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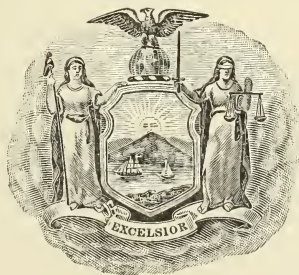
JOURNAL
OF THE
SENATE

OF THE
STATE OF NEW YORK

AT THEIR
ONE HUNDRED AND THIRTY-THIRD SESSION

BEGUN AND HELD AT THE CAPITOL IN THE CITY OF ALBANY
ON WEDNESDAY, THE FIFTH DAY OF JANUARY, 1910

VOLUME II



ALBANY
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1910

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mate and allow the damages sustained by owners of real property fronting upon streets approaching the Manhattan bridge over the East river in said city."

Also, Senate bill (No. 324, Int. No. 323) entitled "An act to authorize and empower the board of estimate and apportionment of the city of New York to examine and inquire into, audit, allow and provide for paying the claims of the employees of the department of docks and ferries of such city."

Also, Senate bill (No. 430, Int. No. 416) entitled "An act to authorize the city of Buffalo to issue its bonds for the purpose of refunding temporary loan bonds heretofore issued to raise money for the purchase of property to be used for a turning basin in Buffalo river in said city."

Also, Senate bill (No. 1111, Int. No. 721) entitled "An act to amend the Greater New York charter, in relation to the department of docks and ferries."

Also, Senate bill (No. 1142, Int. No. 962) entitled "An act to amend the Greater New York charter, relative to the number of deputies in the department of public charities."

Also, Senate bill (No. 1222; Int. No. 1003) entitled "An act to provide ways and means for the annual contribution to the canal debt sinking funds."

Also, Senate bill (No. 1223, Int. No. 1004) entitled "An act making an appropriation for the payment for the fiscal year beginning on the first day of October, nineteen hundred and ten, of interest on the canal debt contracted or to be contracted under article seven, section four of the Constitution."

The Senate bill (No. 1222, Int. No. 1003) entitled "An act to provide ways and means for the annual contribution to the canal debt sinking funds," was read the third time.

The President put the question whether the Senate would agree to the final passage of said bill, the same having been printed and upon the desks of the members in its final form for three calendar legislative days, and it was decided in the affirmative, a majority of all the Senators elected voting in favor thereof, and three-fifths being present, as follows:

MAY 2.]

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1916-1917
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Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 324, Senate reprint No. 984, Rec. No. 144), entitled "An act to cede to the town of Smithtown, Suffolk county, all the right, title and interest of the State in lands adjacent to such town between high and low water marks," for the purpose of amendment.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Ordered, That the Clerk return said resolution to the Assembly, with a message that the Senate has concurred in the passage of the same.

Mr. Agnew, from the committee on engrossed bills, reported, as correctly printed and engrossed, the Assembly bill (No. 1795, Senate reprint No. 1220, Rec. No. 424) entitled "An act making appropriations for the State institutions reporting to the Fiscal Supervisor of State Charities."

Also, the Senate bill (No. 1233, Int. No. 670) entitled "An act to amend section six of chapter twenty-nine, Laws of nineteen hundred and nine, being the General Municipal Law, entitled 'An act relating to municipal corporations, constituting chapter twenty-four of the Consolidated Laws,' in relation to funded debts."

Also, Senate bill (No. 1239, Int. No. 1014) entitled "An act to legalize certain acts, resolutions and proceedings of the finance committee of the board of supervisors of Rensselaer county and of such board of supervisors, relative to the employment of a clerk to the finance committee of such board."

Also, Senate bill (No. 1240, Int. No. 1015) entitled "An act to legalize certain acts, resolutions and proceedings of the finance committee of the board of supervisors of Rensselaer county and of such board of supervisors, relative to the employment of an attorney or other assistant in the matter of the examination of sales of real property for unpaid taxes in said county."

Also, Senate bill (No. 165, Int. No. 165) entitled "An act to amend the Prison Law, relative to commutation of sentence."

Also, Senate bill (No. 1150, Int. No. 971) entitled "An act to authorize the board of assessors of the city of New York to esti-

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2241, Int. No. 826) entitled "An act to amend the Judiciary Law, in relation to compensation of stenographers appointed by certain justices of the Supreme Court in the third and fourth judicial districts."

On motion of Mr. R. H. Gillett, said bill was laid aside, and ordered stricken from the calendar.

Mr. Speaker announced the special order, being the bill (No. 2240, Int. No. 378) entitled "An act to amend the Judiciary Law, in relation to official referees."

On motion of Mr. Martin, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 78

NOES 43

Those who voted in the affirmative were:

Adler	Davies	Harris	McWhinney	Smith C C
Ames D H	Dimin	Hawkins	Mead	Smith M L
Ames H L	Dobson G A	Hunter	Morrissey	Smith O J
Barra	Doherty	Hutchinson	Mullen	Stitt
Betts	Donohoe	Jacobs	Norton	Tallett
Bloomfield	Downs	Jeffery	Parker	Thayer
Bly	Duke	Jenks	Pellet	Ullman
Booth	Evans	Jesse	Reilly	Walrath
Bourke	Everett	Kenvon	Rice	Webb
Brundage	Fenner	Lattin	Richford	Wells
Campbell	Forbell	Lee	Roosevelt	Wheelock
Carroll J T	Fox	Long	Ross	Whitcomb
Carroll W G	Gage	MacFarland	Rowe	Williams
Caulfield	Gardner	Machold	Seelbach	Wilson
Cole	Gempler	Martin	Slacer	Wiswall
Damico	Gillett R H	McDonald		

Those who voted in the negative were:

Amos	Donohue	Healey	McLaughlin J F	Schwab
Baum	Easton	Henderson	McLoughlin J J	Taylor
Bloch	Flynn	Kelly	Miller	Trahan

Blodgett	Gillette E V	Kiernan	Moore	VanWagenen J
Burchill	Hager	Leininger	Neary	VanWagenenSB
Cosgrove	Halpern	Lentol	Patrzykowski	Wallace
Cross	Hamill	Lindsay	Pette	Witter
Crowley	Harrington	Lown	Reynaud	Zimmerman
Dickstein	Hausner	McArdle		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2238, Int. No. 1222) entitled "An act to amend the Public Service Commissions Law, in relation to water companies or persons engaged outside of the city of New York and the county of Westchester in furnishing water."

On motion of Mr. Peck, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 46

NOES 79

Those who voted in the affirmative were:

Adler	Crowley	Harrington	Mullen	Stitt
Ames D H	Davies	Hausner	Pette	Thayer
Amos	Dobson G A	Jacobs	Rice	Trahan
Betts	Donohoe	Lown	Richford	VanWagenenSB
Blakely	Fearon	McGinnies	Roosevelt	Walrath
Blodgett	Fenner	McKee	Seaker	Webb
Booth	Gage	McWhinney	Smith C C	Westall
Chamberlin	Gardner	Miller	Smith M L	Wilson
Cheney	Gillette E V	Moore	Soule	Witter
Cole				

Those who voted in the negative were:

Ames H L	Damico	Hawkins	McArdle	Schwab
Barra	Dickstein	Healey	McDonald	Seelbach
Baum	Dimin	Henderson	McLaughlin J F	Simpson
Beasley	Dobson F	Hunter	McLoughlin J J	Slacer
Bloch	Doherty	Hutchinson	Mead	Smith O J
Bloomfield	Downs	Jeffery	Morrissey	Steinberg
Bourke	Duke	Jenks	Neary	Tallett
Brady	Evans	Kelly	Norton	Tvler
Brundage	Harris	Martin	Rowe	VanWagenen J
Cross				

Burchill	Forbell	Kiernan	Parker	Wallace
Campbell	Fox	Lattin	Patrzykowski	Wells
Carroll J T	Gempler	Lee	Pellet	Wheelock
Carroll W G	Gillett R H	Leininger	Reilly	Whitcomb
Caulfield	Griffith	Lindsay	Reynaud	Wiswall
Cosgrove	Hager	Long	Ross	Zimmerman
Cowee	Hamill	Lord		

Mr. Fearon moved to reconsider the vote by which said bill was lost, and that said motion lie on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

On motion of Mr. Pette, the committee on rules was instructed to report Senate bill (No. 544, Rec. No. 795) entitled "An act to amend the Judiciary Law, in relation to the appointment of official referees by the Appellate Division of the Supreme Court."

On motion of Mr. Pette, and by unanimous consent, said bill was ordered placed on the special order second and third reading calendar for Saturday next.

Mr. Speaker announced the special order, being the bill (No. 2236, Int. No. 628) entitled "An act to amend the Judiciary Law, in relation to the appointment of official referees by the Appellate Division of the Supreme Court."

On motion of Mr. Pette, said bill was laid aside, and ordered stricken from the calendar.

Mr. Speaker announced the special order, being the bill (No. 1603, Int. No. 1382) entitled "An act to accept the provisions of any law of the United States making an appropriation to the States for the rehabilitation of physically handicapped persons, to amend the Workmen's Compensation Law, in relation to the maintenance of employees undergoing rehabilitation, and to amend the Education Law, in relation to the rehabilitation of physically handicapped persons, and making an appropriation therefor."

On motion of Mr. Booth, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the

affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 141

NOES 1

Those who voted in the affirmative were:

Adler	Davies	Hausner	McGinnies	Simpson
Ames D H	Dickstein	Hawkins	McKee	Slacer
Ames H L	Dimin	Healey	McLaughlin J F	Smith C C
Amos	Dobson F	Henderson	McLoughlin J J	Smith M L
Barra	Dobson G A	Hunter	McWhinney	Smith O J
Baum	Doherty	Hutchinson	Mead	Soule
Beasley	Donohoe	Jacobs	Miller	Steinberg
Betts	Donohue	Jeffery	Moore	Stitt
Blakely	Downs	Jenks	Morrissey	Tallett
Bloch	Duke	Jesse	Moss	Taylor
Blodgett	Easton	Judson	Mullen	Thayer
Bloomfield	Evans	Kelly	Neary	Trahan
Bly	Everett	Kenyon	Norton	Tyler
Booth	Fenner	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	VanWagenen J
Brady	Flynn	Lee	Peck	VanWagenenSR
Brundage	Forbell	Leininger	Pellet	Wallace
Burchill	Fox	Lentol	Pette	Walrath
Campbell	Gage	Lindsay	Reilly	Webb
Carroll J T	Gardner	Long	Reynaud	Wells
Carroll W G	Gempler	Lord	Rice	Westall
Caulfield	Gillette E V	Lown	Richford	Wheelock
Chamberlin	Gillett R H	MacFarland	Roosevelt	Whitcomb
Cheney	Hager	Machold	Ross	Williams
Cole	Halpern	Martin	Rowe	Wilson
Cosgrove	Hamill	McArdle	Schwab	Wiswall
Cowee	Harrington	McCue	Seaker	Witter
Crowley	Harris	McDonald	Seelbach	Zimmerman
Damico				

In the negative:

Cross

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2245, Int. No. 47) entitled "An act to amend the Conservation Law, in relation to the taking and possession of deer."

On motion of Mr. Thayer, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the

affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 79

NOES 51

Those who voted in the affirmative were:

Adler	Cole	Griffith	Machold	Rice
Ames D H	Cosgrove	Halpern	Martin	Richford
Ames H L	Cowee	Harris	McArdle	Schwab
Barra	Cross	Hausner	McCua	Seaker
Baum	Crowley	Healey	McDonald	Seelbach
Beasley	Davies	Hunter	McGinnies	Simpson
Betts	Dimin	Hutchinson	McKee	Taylor
Bloch	Dobson F	Jacobs	McLoughlin J J	Thayer
Blodgett	Doherty	Judson	Mead	Ullman
Bloomfield	Donohue	Kiernan	Miller	VanWagenen J
Bly	Downs	Lee	Moore	VanWagenenSB
Booth	Easton	Leininger	Neary	Webb
Burchill	Fearon	Lentol	Patrzykowski	Whitcomb
Campbell	Forbell	Lindsay	Pette	Williams
Carroll W G	Fox	Long	Reilly	Witter
Chamberlin	Gage	Lown	Reynaud	

Those who voted in the negative were:

Amos	Fenner	Jenks	Roosevelt	Trahan
Bourke	Gardner	Jesse	Ross	Tyler
Brundage	Gempler	Kelly	Rowe	Wallace
Carroll J T	Gillette E V	Kenyon	Smith C C	Walrath
Damico	Gillett R H	Lattin	Smith M L	Wells
Dickstein	Hager	MacFarland	Smith O J	Westall
Dobson G A	Harrington	McWhinney	Soule	Wheelock
Donohoe	Hawkins	Morrissey	Steinberg	Wilson
Duke	Henderson	Norton	Stitt	Wiswall
Evans	Jeffery	Parker	Tallett	Zimmerman
Everett				

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 1916, Int. No. 1594) entitled "An act to amend the Greater New York charter, in relation to the teachers' retirement fund."

On motion of Mr. Amos, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the

affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

Adler	Damico	Hausner	McGinnies	Simpson
Ames D H	Davies	Hawkins	McKee	Slacer
Ames H L	Dickstein	Healey	McLaughlin J F	Smith C C
Amos	Dimin	Henderson	McLoughlin J J	Smith M L
Barra	Dobson F	Hunter	McWhinney	Smith O J
Baum	Dobson G A	Hutchinson	Mead	Soule
Beasley	Doherty	Jacobs	Miller	Steinberg
Betts	Donohoe	Jeffery	Moore	Stitt
Blakely	Donohue	Jenks	Morrissey	Tallett
Bloch	Downs	Jesse	Moss	Taylor
Blodgett	Duke	Judson	Mullen	Thayer
Bloomfield	Easton	Kelly	Neary	Trahan
Bly	Evans	Kenyon	Norton	Tyler
Booth	Everett	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	VanWagenen J
Brady	Fenner	Lee	Peck	VanWagenenSB
Brundage	Flynn	Leininger	Pellet	Wallace
Burchill	Forbell	Lentol	Pette	Wabrath
Campbell	Fox	Lindsay	Reilly	Webb
Carroll J T	Gage	Long	Reynaud	Wells
Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams
Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley	Harris			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2254, Int. No. 1328) entitled "An act to authorize the laying out of a highway by the city of New York over lands owned by such city in the counties of Kings, Queens and Nassau; to establish and provide for the construction and improvement thereof as a State highway, and making an appropriation for the State's share of the expense."

On motion of Mr. McWhinney, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

Adler	Damico	Hausner	McGinnies	Simpson
Ames D H	Davies	Hawkins	McKee	Slacer
Ames H L	Dickstein	Healey	McLaughlin J F	Smith C C
Amos	Dimin	Henderson	McLoughlin J J	Smith M L
Barra	Dobson F	Hunter	McWhinney	Smith O J
Baum	Dobson G A	Hutchinson	Mead	Soule
Beasley	Doherty	Jacobs	Miller	Steinberg
Betts	Donohoe	Jeffery	Moore	Stitt
Blakely	Donohue	Jenks	Morrissey	Tallett
Bloch	Downs	Jesse	Moss	Taylor
Blodgett	Duke	Judson	Mullen	Thayer
Bloomfield	Easton	Kelly	Neary	Trahan
Bly	Evans	Kenyon	Norton	Tyler
Booth	Everett	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	VanWagenen J
Brady	Fenner	Lee	Peck	VanWagenenSB
Brundage	Flynn	Leiningner	Pellet	Wallace
Burchill	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Webb
Carroll J T	Gage	Long	Reynaud	Wells
Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams
Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley	Harris			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2246, Int. No. 1608) entitled "An act to amend the Tax Law, in relation to salaries of transfer tax appraisers, clerks and stenographers in certain counties."

On motion of Mr. Gardner, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 139

NOES 3

Those who voted in the affirmative were:

Adler	Crowley	Harris	McGinnies	Slacer
Ames D H	Damico	Hausner	McLaughlin J F	Smith C C
Ames H L	Davies	Hawkins	McLoughlin J J	Smith M L
Amos	Dickstein	Healey	McWhinney	Smith O J
Barra	Dimin	Hunter	Mead	Soule
Baum	Dobson F	Hutchinson	Miller	Steinberg
Beasley	Dobson G A	Jacobs	Moore	Stitt
Betts	Doherty	Jeffery	Morrissey	Tallett
Blakely	Donohoe	Jenks	Moss	Taylor
Bloch	Donohue	Jesse	Mullen	Thayer
Blodgett	Downs	Judson	Neary	Trahan
Bloomfield	Duke	Kelly	Norton	Tyler
Bly	Easton	Kenyon	Parker	Ullman
Booth	Everett	Kiernan	Patrzykowski	VanWagenen J
Bourke	Fearon	Lattin	Peek	VanWagenenSB
Brady	Fenner	Lee	Pellet	Wallace
Brundage	Flynn	Leininger	Pette	Walrath
Burchill	Forbell	Lentol	Reilly	Webb
Campbell	Fox	Lindsay	Reynaud	Wells
Carroll J T	Gage	Long	Rice	Westall
Carroll W G	Gardner	Lord	Richford	Wheelock
Caulfield	Gempler	Lown	Roosevelt	Whitcomb
Chamberlin	Gillette E V	MacFarland	Ross	Williams
Cheney	Gillett R H	Machold	Rowe	Wilson
Cole	Hager	Martin	Schwab	Wiswall
Cosgrove	Halpern	McArdle	Seaker	Witter
Cowee	Hamill	McCue	Seelbach	Zimmerman
Cross	Harrington	McDonald	Simpson	

Those who voted in the negative were:

Evans Henderson McKee

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 23, Int. No. 23) entitled "An act to amend the Judiciary Law, in relation to the admission of certain persons to practice as attorneys and counselors-at-law without examination."

Debate was had.

On motion of Mr. Gardner, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 55

NOES 63

Those who voted in the affirmative were:

Ames D H	Fearon	Judson	McDonald	Smith O J
Betts	Fenner	Kelly	McGinnies	Steinberg
Booth	Gage	Kenyon	McWhinney	Tallett
Brundage	Gardner	Kiernan	Mead	Thayer
Carroll W G	Hager	Leininger	Mullen	VanWagenenSB
Caulfield	Hawkins	Lindsay	Norton	Walrath
Cowee	Henderson	Lord	Patrzykowski	Webb
Damico	Hunter	MacFarland	Reynaud	Wells
Dimin	Hutchinson	Machold	Richford	Wheelock
Dobson G A	Jacobs	Martin	Seaker	Whitcomb
Everett	Jeffery	McArdle	Slacer	Williams

Those who voted in the negative were:

Adler	Carroll J T	Fox	Lown	Simpson
Ames H L	Cole	Gempler	McLaughlin J F	Smith M L
Amos	Cosgrove	Gillette E V	McLoughlin J J	Stitt
Baum	Cross	Gillett R H	Miller	Trahan
Beasley	Davies	Harrington	Neary	Ullman
Blakely	Dickstein	Harris	Pellet	VanWagenen J
Blodgett	Dobson F	Hausner	Pette	Wallace
Bloomfield	Doherty	Healey	Roosevelt	Westall
Bly	Donohoe	Jenks	Ross	Wilson
Bourke	Duke	Jesse	Rowe	Wiswall
Brady	Easton	Lattin	Schwab	Witter
Burchill	Evans	Lentol	Seelbach	Zimmerman
Campbell	Forbell	Long		

On motion of Mr. Machold the committee on rules was instructed to report Senate bill (No. 2199, Rec. No. 809) entitled "An act making appropriations for the support of government in addition to those provided by chapter one hundred and sixty-five of the Laws of nineteen hundred and twenty, and including provisions relating to certain appropriations made by such chapter."

On motion of Mr. Machold, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Machold, and by unanimous consent, said bill was read the third time, having been printed and upon the

desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

Adler	Damico	Hausner	McGinnies	Simpson
Ames D H	Davies	Hawkins	McKee	Slacer
Ames H L	Dickstein	Healey	McLaughlin J F	Smith C C
Amos	Dimin	Henderson	McLoughlin J J	Smith M L
Barra	Dobson F	Hunter	McWhinney	Smith O J
Baum	Dobson G A	Hutchinson	Mead	Soule
Beasley	Doherty	Jacobs	Miller	Steinberg
Betts	Donohoe	Jeffery	Moore	Stitt
Blakely	Donohue	Jenks	Morrissey	Tallett
Bloch	Downs	Jesse	Moss	Taylor
Blodgett	Duke	Judson	Mullen	Thayer
Bloomfield	Easton	Kelly	Neary	Trahan
Bly	Evans	Kenyon	Norton	Tyler
Booth	Everett	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	VanWagenen J
Brady	Fenner	Lee	Peck	VanWagenenSB
Brundage	Flynn	Leininger	Pellet	Wallace
Burchill	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Webb
Carroll J T	Gage	Long	Reynaud	Wells
Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams
Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley	Harris			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the bill (No. 2233, Int. No. 1709) entitled "An act making appropriations for the support of government in addition to those provided by chapter one hundred and sixty-five of the Laws of nineteen hundred and twenty, and including provisions relating to certain appropriations made by such chapter."

On motion of Mr. Machold, said bill was laid aside, and ordered stricken from the calendar.

Mr. Speaker announced the special order, being the bill (No. 2235, Int. No. 107) entitled "An act making provision for issuing bonds to the amount of not to exceed fifty million dollars for the payment of a bonus to persons who served in the military or naval service of the United States at any time between the sixth day of April, nineteen hundred and seventeen, and the eleventh day of November, nineteen hundred and eighteen, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and twenty."

Said bill having been announced, Miss M. L. Smith moved to amend as follows:

In the title, strike out "fifty" before "million" and insert "forty-five".

Page 2, line 1, strike out "fifty" and insert "forty-five".

Page 5, line 16, strike out "fifty" and insert "forty-five."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Said bill as amended was then read the second time.

On motion of Miss M. L. Smith, said bill was ordered reprinted and placed on the order of third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill (Int. No. 107, Printed No. 2235) entitled "An act making provision for issuing bonds to the amount of not to exceed fifty million dollars for the payment of a bonus to persons who served in the military or naval service of the United States at any time between the sixth day of April, nineteen hundred and seventeen, and the eleventh day of November, nineteen hundred and eighteen, and providing for a

submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and twenty," as amended.

Given under my hand and the Privy Seal of the State at the Capitol in the city of Albany this twenty-third
[L. S.] day of April in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,

Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

Adler	Damico	Hausner	McGinnies	Simpson
Ames D H	Davies	Hawkins	McKee	Slacer
Ames H L	Dickstein	Healey	McLaughlin J F	Smith C C
Amos	Dimin	Henderson	McLoughlin J J	Smith M L
Barra	Dobson F	Hunter	McWhinney	Smith O J
Baum	Dobson G A	Hutchinson	Mead	Soule
Beasley	Doherty	Jacobs	Miller	Steinberg
Betts	Donohoe	Jeffery	Moore	Stitt
Blakely	Donohue	Jenks	Morrissey	Tallett
Bloch	Downs	Jesse	Moss	Taylor
Blodgett	Duke	Judson	Mullen	Thayer
Bloomfield	Easton	Kelly	Neary	Trahan
Bly	Evans	Kenyon	Norton	Tyler
Booth	Everett	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	Van Wagenen J
Brady	Fenner	Lee	Peck	Van Wagenen SB
Brundage	Flynn	Leininger	Pellet	Wallace
Burchall	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Webb
Carroll J T	Gage	Long	Reynaud	Wells
Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams

Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley	Harris			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 266, Int. No. 126) entitled "An act to provide for paying members of the National Guard, who served without the State in response to the call of the President of June nineteenth, nineteen hundred and sixteen, the compensation for services in the State less the amount allowed by the Federal government, making an appropriation and establishing a special fund therefor."

On motion of Mr. Wells, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

Adler	Damico	Hausner	McGinnies	Simpson
Ames D H	Davies	Hawkins	McKee	Slacer
Ames H L	Dickstein	Healey	McLaughlin J F	Smith C C
Amos	Dimin	Henderson	McLoughlin J J	Smith M L
Barra	Dobson F	Hunter	McWhinney	Smith O J
Baum	Dobson G A	Hutchinson	Mead	Soule
Beasley	Doherty	Jacobs	Miller	Steinberg
Betts	Donohoe	Jeffery	Moore	Stitt
Blakely	Donohue	Jenks	Morrissey	Tallett
Bloch	Downs	Jesse	Moss	Taylor
Blodgett	Duke	Judson	Mullen	Thayer
Bloomfield	Easton	Kelly	Neary	Trahan
Bly	Evans	Kenyon	Norton	Tyler
Booth	Everett	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	VanWagenen J
Brady	Fenner	Lee	Peck	VanWagenenSB
Brundage	Flynn	Leiningner	Pellet	Wallace
Burchill	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Webb
Carroll J T	Gage	Long	Reynaud	Wells

Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams
Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley	Harris			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 417, Int. No. 397) entitled "An act to amend the Civil Service Law, in relation to retention in office."

On motion of Mr. Schwab, said bill was laid aside and ordered stricken from the calendar.

Mr. Speaker announced the special order, being the Senate bill (No. 1999, Rec. No. 765) entitled "An act to provide for the payment to Jessie Holladay Philbin of the balance of compensation payable to Eugene A. Philbin, late justice of the Supreme Court in the first judicial department, for the calendar year nineteen hundred and twenty, by the city and county of New York."

On motion of Mr. McWhinney, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 10

Those who voted in the affirmative were:

Adler	Crowley	Hausner	McKee	Seelbach
Ames D H	Davies	Healey	McLaughlin J F	Simpson
Ames H L	Dickstein	Henderson	McLoughlin J J	Slacer
Amos	Dimin	Hunter	McWhinney	Smith C C
Barra	Dobson F	Hutchinson	Mead	Smith M L
Baum	Dobson G A	Jacobs	Miller	Smith O J
Beasley	Doherty	Jeffery	Moore	Soule
Betts	Donohoe	Jesse	Morrissey	Steinberg
Blakely	Donohue	Judson	Moss	Tallett

Bloch	Downs	Kelly	Mullen	Taylor
Blodgett	Duke	Kenyon	Neary	Thayer
Bloomfield	Easton	Kiernan	Norton	Trahan
Booth	Evans	Lattin	Parker	Tyler
Bourke	Everett	Leininger	Patrzykowski	Ullman
Brady	Fearon	Lentol	Peck	VanWagenen J
Brundage	Fenner	Lindsay	Pellet	VanWagenenSB
Burchill	Flynn	Long	Pette	Wallace
Campbell	Forbell	Lord	Reilly	Walrath
Carroll J T	Fox	Lown	Reynaud	Webb
Carroll W G	Gage	MacFarland	Rice	Wells
Caulfield	Gardner	Machold	Richford	Westall
Chamberlin	Gillette E V	Martin	Roosevelt	Wheelock
Cheney	Gillett R H	McArdle	Ross	Williams
Cole	Hager	McCue	Rowe	Wiswall
Cosgrove	Hamill	McDonald	Schwab	Witter
Cowee	Harrington	McGinnies	Seaker	Zimmerman
Cross	Harris			

Those who voted in the negative were:

Bly	Gempler	Hawkins	Lee	Whitcomb
Damico	Halpern	Jenks	Stitt	Wilson

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2139, Rec. No. 761) entitled "An act to amend the Penal Law, in relation to the admission of children under the age of sixteen years to places of amusement."

Debate was had.

On motion of Mr. Duke, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 50

NOES 76

Those who voted in the affirmative were:

Amos	Dimin	Gillett R H	McLaughlin	JFSimpson
Barra	Dobson F	Halpern	McWhinney	Smith O J
Baum	Dobson G A	Healey	Moore	Steinberg

Booth	Donohue	Henderson	Norton	Stitt
Bourke	Downs	Kelly	Parker	Taylor
Brundage	Duke	Kiernan	Patrzykowski	Thayer
Cowee	Easton	Machold	Reynaud	Walrath
Crowley	Evans	Martin	Ross	Westall
Damico	Fearon	McCue	Schwab	Wheelock
Dickstein	Gillette E V	McGinnies	Seelbach	Wiswall

Those who voted in the negative were:

Adler	Cross	Hunter	McArdle	Smith C C
Ames D H	Davies	Hutchinson	McDonald	Smith M L
Ames H L	Doherty	Jacobs	McKee	Soule
Betts	Donohoe	Jeffery	McLoughlin J J	Tallett
Bloch	Everett	Jenks	Mead	Trahan
Blodgett	Fenner	Jesse	Miller	Ullman
Bloomfield	Forbell	Judson	Morrissey	VanWagenen J
Bly	Fox	Lattin	Mullen	VanWagenenSB
Brady	Gage	Leininger	Neary	Wallace
Campbell	Gempler	Lentol	Pellet	Webb
Carroll J T	Hager	Lindsay	Pette	Wells
Caulfield	Harrington	Long	Rice	Whitcomb
Chamberlin	Harris	Lord	Richford	Wilson
Cheney	Hausner	Lown	Roosevelt	Witter
Cole	Hawkins	MacFarland	Slacer	Zimmerman
Cosgrove				

Mr. Speaker announced the special order, being the Senate bill (No. 1029, Rec. No. 758) entitled "An act to amend chapter five hundred and thirty-one of the Laws of nineteen hundred and twelve, entitled 'An act in relation to the equalization of the salaries of clerks in grades six, seven, eight, nine and ten of the district attorney's office in the county of New York,' in relation to salaries of clerks in the district attorney's office in such county."

On motion of Mr. Machold, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 120

NOES 22

Those who voted in the affirmative were:

Adler	Cross	Healey	McLaughlin J F	Slacer
Ames D H	Crowley	Henderson	McLoughlin J J	Smith C C
Ames H L	Davies	Hunter	McWhinney	Smith M L

Barra	Dimin	Hutchinson	Mead	Smith O J
Baum	Dobson F	Jacobs	Miller	Soule
Beasley	Dobson G A	Jeffery	Moore	Tallett
Betts	Donohoe	Jenks	Morrissey	Taylor
Blakely	Donohue	Jesse	Moss	Thayer
Bloch	Downs	Judson	Mullen	Trahan
Blodgett	Duke	Kelly	Neary	Tyler
Bloomfield	Easton	Kenyon	Norton	Ullman
Booth	Everett	Kiernan	Parker	VanWagenen J
Bourke	Fearon	Lattin	Patrzykowski	VanWagenenSB
Brady	Fenner	Lentol	Peck	Walrath
Brundage	Flynn	Lindsay	Reilly	Webb
Burchill	Forbell	Long	Reynaud	Wells
Campbell	Gage	Lord	Rice	Westall
Carroll W G	Gardner	Lown	Richford	Wheelock
Caulfield	Gillette E V	MacFarland	Roosevelt	Whitcomb
Chamberlin	Gillett R H	Machold	Ross	Williams
Cheney	Hager	Martin	Rowe	Wilson
Cole	Hamill	McArdle	Seaker	Wiswall
Cosgrove	Harrington	McCue	Seelbach	Witter
Cowee	Hausner	McGinnies	Simpson	Zimmerman

Those who voted in the negative were:

Amos	Doherty	Hawkins	McKee	Steinberg
Bly	Evans	Lee	Pellet	Stitt
Carroll J T	Fox	Leininger	Pette	Ullman
Damico	Gempler	McDonald	Schwab	Wallace
Dickstein	Halpern			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2010, Rec. No. 772) entitled "An act authorizing the commissioners of the sinking fund of the city of New York to cancel and annul all taxes, water rents and assessments which are now a lien upon the property of New York College of Dentistry, educational corporation, in the borough of Manhattan, city of New York."

On motion of Mr. Stitt, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

Adler	Damico	Hausner	McGinnies	Simpson
Ames D H	Davies	Hawkins	McKee	Slacer
Ames H L	Dickstein	Healey	McLaughlin J F	Smith C C
Amos	Dimin	Henderson	McLoughlin J J	Smith M L
Barra	Dobson F	Hunter	McWhinney	Smith O J
Baum	Dobson G A	Hutchinson	Mead	Soule
Beasley	Doherty	Jacobs	Miller	Steinberg
Betts	Donohoe	Jeffery	Moore	Stitt
Blakely	Donohue	Jenks	Morrissey	Tallett
Bloch	Downs	Jesse	Moss	Taylor
Blodgett	Duke	Judson	Mullen	Thayer
Bloomfield	Easton	Kelly	Neary	Trahan
Bly	Evans	Kenyon	Norton	Tyler
Booth	Everett	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	VanWagenen J
Brady	Fenner	Lee	Peck	VanWagenenSB
Brundage	Flynn	Leininger	Pellet	Wallace
Burchill	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Webb
Carroll J T	Gage	Long	Reynaud	Wells
Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams
Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley	Harris			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2055, Rec. No. 661) entitled "An act to amend the Military Law, in relation to the organization, administration and government of the militia and National Guard."

Debate was had.

On motion of Mr. Adler, and by unanimous consent, said bill was ordered placed on the special order second and third reading calendar for Saturday next.

Mr. Speaker announced the special order, being the Senate bill (No. 2138, Rec. No. 738) entitled "An act authorizing the police commissioner of the city of New York to rehear the charges upon which John Hasenstab, formerly a patrolman in the police department of said city, was dismissed from said department in the

year nineteen hundred and one, and to reinstate him in the position formerly held by him."

On motion of Mr. Martin, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 38

NOES 61

Those who voted in the affirmative were:

Adler	Cowee	Hamill	Kiernan	Seelbach
Beasley	Crowley	Harrington	Lentol	Slacer
Bourke	Dickstein	Harris	Lindsay	Smith O J
Burchill	Dobson F	Healey	McCue	Taylor
Campbell	Donohue	Hutchinson	McLoughlin J J	Trahan
Carroll W G	Easton	Jeffery	Morrissey	VanWagenenSB
Caulfield	Gillett R H	Judson	Patrzykowski	Wiswall
Cosgrove	Griffith	Kelly		

Those who voted in the negative were:

Ames H L	Dimin	Henderson	Moore	Tallett
Amos	Doherty	Hunter	Mullen	Tyler
Barra	Donohoe	Jacobs	Neary	Ullman
Baum	Downs	Jenks	Norton	VanWagenen J
Betts	Fearon	Jesse	Pellet	Wallace
Bloch	Fenner	Lattin	Pette	Webb
Blodgett	Forbell	Leininger	Rice	Wells
Bloomfield	Fox	Lord	Richford	Westall
Bly	Gardner	Lown		Wheelock
Brundage	Gempler	MacFarland	Ross	Whitcomb
Carroll J T	Gillette E V	Martin	Simpson	Williams
Cheney	Halpern	McDonald	Smith C C	Wilson
Cole	Hausner	McLaughlin J F	Smith M L	Witter
Damico	Hawkins	McWhinney	Soule	Zimmerman
Davies				

Mr. Speaker announced the special order, being the Senate bill (No. 1466, Rec. No. 676) entitled "An act to amend the Penal Law, in relation to prisoner escaping."

On motion of Mr. Duke, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 137

NOES 5

Those who voted in the affirmative were:

Adler	Davies	Healey	McLoughlin J J	Slacer
Ames D H	Dickstein	Henderson	McLoughlin J J	Smith C C
Ames H L	Dimin	Hunter	McWhinney	Smith M L
Amos	Dobson F	Hutchinson	Mead	Smith O J
Barra	Dobson G A	Jacobs	Miller	Soule
Baum	Doherty	Jeffery	Moore	Steinberg
Beasley	Donohoe	Jenks	Morrissey	Stitt
Betts	Downs	Jesse	Moss	Tallett
Blakely	Duke	Judson	Mullen	Taylor
Blodgett	Easton	Kelly	Neary	Thayer
Bloomfield	Everett	Kenyon	Norton	Trahan
Bly	Fearon	Kiernan	Parker	Tyler
Booth	Fenner	Lattin	Patrzykowski	Ullman
Bourke	Flynn	Lee	Peck	VanWagenen J
Brady	Forbell	Leininger	Pellet	VanWagenenSB
Brundage	Fox	Lentol	Pette	Wallace
Burchill	Gage	Lindsay	Reilly	Walrath
Campbell	Gardner	Long	Reynaud	Webb
Carroll J T	Gempler	Lord	Rice	Wells
Carroll W G	Gillette E V	Lown	Richford	Westall
Caulfield	Gillett R H	MacFarland	Roosevelt	Wheelock
Chamberlin	Hager	Machold	Ross	Whitcomb
Cheney	Halpern	Martin	Rowe	Williams
Cole	Hamill	McArdle	Schwab	Wilson
Cowee	Harrington	McCue	Seaker	Wiswall
Cross	Harris	McDonald	Seelbach	Witter
Crowley	Hausner	McGinnies	Simpson	Zimmerman
Damico	Hawkins			

Those who voted in the negative were:

Bloch	Cosgrove	Donohue	Evans	McKee
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Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2056, Rec. No. 677) entitled "An act to amend the Tax Law, in relation to compensation of the transfer tax assistant in the county of New York."

On motion of Mr. Judson, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed

and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

Adler	Damico	Hausner	McGinnies	Simpson
Ames D H	Davies	Hawkins	McKee	Slacer
Ames H L	Dickstein	Healey	McLaughlin J F	Smith C C
Amos	Dimin	Henderson	McLoughlin J J	Smith M L
Barra	Dobson F	Hunter	McWhinney	Smith O J
Baum	Dobson G A	Hutchinson	Mead	Soule
Beasley	Doherty	Jacobs	Miller	Steinberg
Betts	Donohoe	Jeffery	Moore	Stitt
Blakely	Donohue	Jenks	Morrissey	Tallett
Bloch	Downs	Jesse	Moss	Taylor
Blodgett	Duke	Judson	Mullen	Thayer
Bloomfield	Easton	Kelly	Neary	Traban
Bly	Evans	Kenyon	Norton	Tyler
Booth	Everett	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	VanWagenen J
Brady	Fenner	Lee	Peck	VanWagenenSB
Brundage	Flynn	Leiminger	Pellet	Wallace
Burchill	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Webb
Carroll J T	Gage	Long	Reynaud	Wells
Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams
Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley	Harris			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1844, Rec. No. 628) entitled "An act repealing section eighty-eight of the General Municipal Law and section fifty of the State Finance Law, in relation to specifications to be prepared for certain contract work."

On motion of Mr. Martin, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

Adler	Damico	Hausner	McGinnies	Simpson
Ames D H	Davies	Hawkins	McKee	Slacer
Ames H L	Dickstein	Healey	McLaughlin J F	Smith C C
Amos	Dimin	Henderson	McLoughlin J J	Smith M L
Barra	Dobson F	Hunter	McWhinney	Smith O J
Baum	Dobson G A	Hutchinson	Mead	Soule
Beasley	Doherty	Jacobs	Miller	Steinberg
Betts	Donohoe	Jeffery	Moore	Stitt
Blakely	Donohue	Jenks	Morrissey	Tallett
Bloch	Downs	Jesse	Moss	Taylor
Blodgett	Duke	Judson	Mullen	Thayer
Bloomfield	Easton	Kelly	Neary	Trahan
Bly	Evans	Kenyon	Norton	Tyler
Booth	Everett	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	VanWagenen J
Brady	Fenner	Lee	Peck	VanWagenenSB
Brundage	Flynn	Leininger	Pette	Wallace
Burchill	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Webb
Carroll J T	Gage	Long	Reynaud	Wells
Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams
Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley	Harris			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1687, Rec. No. 355) entitled "An act to amend the General Corporation Law, in relation to the acquisition, holding and disposition by any domestic corporation of property without the State."

On motion of Mr. Hamill, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

Adler	Damico	Hausner	McGinnies	Simpson
Ames D H	Davies	Hawkins	McKee	Slacer
Ames H L	Dickstein	Healey	McLaughlin J F	Smith C C
Amos	Dimin	Henderson	McLoughlin J J	Smith M L
Barra	Dobson F	Hunter	McWhinney	Smith O J
Baum	Dobson G A	Hutchinson	Mead	Soule
Beasley	Doherty	Jacobs	Miller	Steinberg
Betts	Donohoe	Jeffery	Moore	Stitt
Blakely	Donohue	Jenks	Morrissey	Tallett
Bloch	Downs	Jesse	Moss	Taylor
Blodgett	Duke	Judson	Mullen	Thayer
Bloomfield	Easton	Kelly	Neary	Trahan
Bly	Evans	Kenyon	Norton	Tyler
Booth	Everett	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	VanWagenen J
Brady	Fenner	Lee	Peck	VanWagenenSB
Brundage	Flynn	Leininger	Pellet	Wallace
Burchill	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Webb
Carroll J T	Gage	Long	Reynaud	Wells
Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams
Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley	Harris			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 793, Rec. No. 739) entitled "An act authorizing the police commissioner of the city of New York to rehear the charges upon which Elmer W. Heartt, formerly a patrolman in the police

department of the said city, was dismissed from said department in the year nineteen hundred and two and to reinstate him in the position formerly held by him."

On motion of Mr. Martin, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 118

NOES 24

Those who voted in the affirmative were:

Adler	Davies	Hunter	McLoughlin J J	Smith C C
Ames D H	Dimin	Hutchinson	McWhinney	Smith M L
Ames H L	Dobson G A	Jacobs	Mead	Smith O J
Amos	Doherty	Jeffery	Miller	Soule
Beasley	Donohoe	Jenks	Moore	Tallett
Betts	Donohue	Jesse	Morrissey	Taylor
Blakely	Downs	Judson	Moss	Thayer
Blodgett	Duke	Kelly	Mullen	Trahan
Bloomfield	Easton	Kenyon	Norton	Tyler
Booth	Everett	Kiernan	Parker	VanWagenen J
Bourke	Fearon	Lattin	Patrzykowski	VanWagenenSB
Brady	Fenner	Leininger	Peck	Wallace
Brundage	Flynn	Lentol	Reilly	Walrath
Burchill	Forbell	Lindsay	Reynaud	Webb
Campbell	Gage	Long	Rice	Wells
Carroll W G	Gardner	Lord	Richford	Westall
Caulfield	Gillette E V	Lown	Roosevelt	Wheelock
Chamberlin	Gillett R H	MacFarland	Ross	Whitcomb
Cheney	Hager	Machold	Rowe	Williams
Cole	Hamill	Martin	Schwab	Wilson
Cosgrove	Harrington	McCue	Seaker	Wiswall
Cowee	Harris	McDonald	Seelbach	Witter
Cross	Hausner	McGinnies	Slacer	Zimmerman
Crowley	Healey	McLaughlin J F		

Those who voted in the negative were:

Barra	Damico	Gempler	McArdle	Simpson
Baum	Dickstein	Halpern	McKee	Steinberg
Bloch	Dobson F	Hawkins	Neary	Stitt
Bly	Evans	Henderson	Pellet	Ullman
Carroll J T	Fox	Lee	Pette	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2120, Rec. No. 680) entitled "An act to authorize the Commissioners of the Land Office to convey a tract of land at the southeast corner of Winthrop street and Albany avenue, in the borough of Brooklyn, city of New York, now a part of the grounds of the Brooklyn State Hospital, to the city of New York for a proposed change in the street lines of Albany avenue, for a highway."

On motion of Mr. Wells, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

AYES 142

NOES 00

Those who voted in the affirmative were:

Adler	Damico	Hausner	McGinnies	Simpson
Ames D H	Davies	Hawkins	McKee	Slacer
Ames H L	Dickstein	Healey	McLaughlin J F	Smith C C
Amos	Dimin	Henderson	McLoughlin J J	Smith M L
Barra	Dobson F	Hunter	McWhinney	Smith O J
Baum	Dobson G A	Hutchinson	Mead	Soule
Beasley	Doherty	Jacobs	Miller	Steinberg
Betts	Donohoe	Jeffery	Moore	Stitt
Blakely	Donohue	Jenks	Morrissey	Tallett
Bloch	Downs	Jesse	Moss	Taylor
Blodgett	Duke	Judson	Mullen	Thayer
Bloomfield	Easton	Kelly	Neary	Trahan
Bly	Evans	Kenyon	Norton	Tyler
Booth	Everett	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	VanWagenen J
Brady	Fenner	Lee	Peck	VanWagenenSB
Brundage	Flynn	Leininger	Pellet	Wallace
Burchill	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Webb
Carroll J T	Gage	Long	Reynaud	Wells
Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams
Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley	Harris			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2084, Rec. No. 741) entitled "An act to amend the Judiciary Law, in relation to the salary of special deputy clerks of the Supreme Court appointed by the justices of the Appellate Division of the Supreme Court, first department."

On motion of Mr. Barra, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 2

Those who voted in the affirmative were:

Adler	Crowley	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Everett	Kenyon	Parker	Ullman
Bourke	Fearon	Kiernan	Patrzykowski	Van Wagenen J
Brady	Fenner	Lattin	Peck	VanWagenenSB
Brundage	Flynn	Lee	Pellet	Wallace
Burchill	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Webb
Carroll J T	Gage	Long	Reynaud	Wells
Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams
Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman

Those who voted in the negative were:

Evans Leininger

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2004, Rec. No. 743) entitled "An act to amend the Judiciary Law, in relation to the salary of the confidential clerk of appellate term appointed by justices of Appellate Division in first department."

On motion of Mr. Barra, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 2

Those who voted in the affirmative were:

Adler	Crowley	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoug'lin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Everett	Kenyon	Parker	Ullman
Bourke	Fearon	Kiernan	Patrzykowski	Van Wagenen J
Brady	Fenner	Lattin	Peck	VanWagenenSB
Brundage	Flynn	Lee	Pellet	Wallace
Burchill	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Webb
Carroll J T	Gage	Long	Reynaud	Wells
Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams

Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman

Those who voted in the negative were:

Evans Leininger

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2005, Rec. No. 742) entitled "An act to amend the Education Law, in relation to the Supreme Court library at New York."

On motion of Mr. Barra, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 2

Those who voted in the affirmative were:

Adler	Damico	Harris	McGinnies	Simpson
Ames D H	Davies	Hausner	McKee	Slacer
Ames H L	Dickstein	Hawkins	McLaughlin J F	Smith C C
Amos	Dimin	Healey	McLoughlin J J	Smith M L
Barra	Dobson F	Henderson	McWhinney	Smith O J
Baum	Dobson G A	Hunter	Mead	Soule
Beasley	Doherty	Hutchinson	Miller	Steinberg
Betts	Donohoe	Jacobs	Moore	Stitt
Blakely	Donohue	Jeffery	Morrissey	Tallett
Bloch	Downs	Jenks	Moss	Taylor
Blodgett	Duke	Jesse	Mullen	Thayer
Bloomfield	Easton	Judson	Neary	Trahan
Bly	Everett	Kelly	Norton	Tyler
Booth	Fearon	Kenyon	Parker	Ullman
Bourke	Fenner	Kiernan	Patrzykowski	Van Wagenen J
Brady	Flynn	Lattin	Peck	Van Wagenen SB
Brundage	Forbell	Lee	Pellet	Wallace
Burchill	Fox	Lentol	Pette	Walrath
Campbell	Gage	Lindsay	Reilly	Webb

Carroll J T	Gardner	Long	Reynaud	Wells
Carroll W G	Gempler	Lord	Rice	Westall
Caulfield	Gillette E V	Lown	Richford	Wheelock
Chamberlin	Gillett R H	MacFarland	Roosevelt	Whitcomb
Cheney	Griffith	Machold	Ross	Williams
Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley		~		

Those who voted in the negative were:

Evans Leininger

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1878, Rec. No. 610) entitled "An act to amend chapter seven hundred and sixty of the Laws of eighteen hundred and ninety-seven, entitled 'An act to revise the charter of the city of Watertown,' generally."

On motion of Mr. Machold, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

Adler	Damico	Hausner	McGinnies	Simpson
Ames D H	Davies	Hawkins	McKee	Slacer
Ames H L	Dickstein	Healey	McLaughlin J F	Smith C C
Amos	Dimin	Henderson	McLoughlin J J	Smith M L
Barra	Dobson F	Hunter	McWhinney	Smith O J
Baum	Dobson G A	Hutchinson	Mead	Soule
Beasley	Doherty	Jacobs	Miller	Steinberg
Betts	Donohoe	Jeffery	Moore	Stitt
Blakely	Donohue	Jenks	Morrissey	Tallett
Bloch	Downs	Jesse	Moss	Taylor
Blodgett	Duke	Judson	Mullen	Thayer
Bloomfield	Easton	Kelly	Neary	Trahan
Bly	Evans	Kenyon	Norton	Tyler
Booth	Everett	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	Van Wagenen J

Brady	Fenner	Lee	Peck	VanWagenenSB
Brundage	Flynn	Leininger	Pellet	Wallace
Burchill	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Webb
Carroll J T	Gage	Long	Reynaud	Wells
Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams
Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley	Harris			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2106, Rec. No. 766) entitled "An act to amend the Code of Civil Procedure, in relation to exemptions and executions."

On motion of Mr. Duke, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 7

Those who voted in the affirmative were:

Adler	Damico	Harrington	McDonald	Seaker
Ames D H	Davies	Harris	McGinnies	Seelbach
Ames H L	Dickstein	Hausner	McKee	Simpson
Amos	'Dimin	Hawkins	McLaughlin J F	Slacer
Barra	Dobson F	Healey	McLoughlin J J	Smith C C
Baum	Dobson G A	Henderson	McWhinney	Smith M L
Beasley	Doherty	Hunter	Mead	Smith O J
Betts	Donohoe	Hutchinson	Miller	Steinberg
Blakely	Donohue	Jacobs	Moore	Stitt
Bloch	Downs	Jeffery	Morrissey	Tallett
Blodgett	Duke	Jesse	Moss	Taylor
Bloomfield	Easton	Judson	Mullen	Thayer
Bly	Evans	Kelly	Neary	Trahan
Booth	Everett	Kenyon	Norton	Tyler
Bourke	Fearon	Kiernan	Parker	Ullman

Brady	Fenner	Lattin	Patrzykowski	Van Wagenen J
Brundage	Flynn	Lee	Peck	VanWagenenSB.
Burchill	Forbell	Leininger	Pellet	Wallace
Campbell	Fox	Lentol	Pette	Walrath
Carroll W G	Gage	Lindsay	Reilly	Webb
Caulfield	Gardner	Long	Reynaud	Westall
Chamberlin	Gempler	Lord	Rice	Wheelock
Cheney	Gillette E V	MacFarland	Richford	Whitcomb
Cole	Gillett R H	Machold	Roosevelt	Williams
Cosgrove	Hager	Martin	Ross	Wiswall
Cowee	Halpern	McArdle	Rowe	Witter
Crowley	Hamill	McCue	Schwab	Zimmerman

Those who voted in the negative were:

Carroll J T	Jenks	Soule	Wells	Wilson
Cross	Lown			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1980, Rec. No. 781) entitled "An act to amend the provisions of law relating to the department of finance of the city of Syracuse, in relation to the issue of certificates of indebtedness for certain purposes."

On motion of Mr. Fearon, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 7

Those who voted in the affirmative were:

Adler	Damico	Harrington	McDonald	Seaker
Ames D H	Davies	Harris	McGinnies	Seelbach
Ames H L	Dickstein	Hausner	McKee	Simpson
Amos	Dimin	Hawkins	McLaughlin J F	Slacer
Barra	Dobson F	Healey	McLoughlin J J	Smith C C
Baum	Dobson G A	Henderson	McWhinney	Smith M L
Beasley	Doherty	Hunter	Mead	Smith O J

Betts	Donohoe	Hutchinson	Miller	Steinberg
Blakely	Donohue	Jacobs	Moore	Stitt
Bloch	Downs	Jeffery	Morrissey	Tallett
Blodgett	Duke	Jesse	Moss	Taylor
Bloomfield	Easton	Judson	Mullen	Thayer
Bly	Evans	Kelly	Neary	Trahan
Booth	Everett	Kenyon	Norton	Tyler
Bourke	Fearon	Kiernan	Parker	Ullman
Brady	Fenner	Lattin	Patrzykowski	Van Wagenen J
Brundage	Flynn	Lee	Peck	VanWagenenSB
Burchill	Forbell	Leininger	Pellet	Wallace
Campbell	Fox	Lentol	Pette	Walrath
Carroll W G	Gage	Lindsay	Reilly	Webb
Caulfield	Gardner	Long	Reynaud	Westall
Chamberlin	Gempler	Lord	Rice	Wheelock
Cheney	Gillette E V	MacFarland	Richford	Whitcomb
Cole	Gillett R H	Machold	Roosevelt	Williams
Cosgrove	Hager	Martin	Ross	Wiswall
Cowee	Halpern	McArdle	Rowe	Witter
Crowley	Hamill	McCue	Schwab	Zimmerman

Those who voted in the negative were:

Carroll J T	Jenks	Soule	Wells	Wilson
Cross	Lowm			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1934, Rec. No. 780) entitled "An act to amend chapter three hundred and fifty-six of the Laws of nineteen hundred and seven, entitled 'An act to provide for the construction of intercepting sewers in and for the city of Syracuse,' in relation to authorizing and empowering the Syracuse intercepting sewer board to regulate the flow of Furnace brook in preservation of public health and safety within the city of Syracuse and the amount of bonds which may be issued thereunder."

On motion of Mr. Fearon, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 7

Those who voted in the affirmative were:

Adler	Damico	Harrington	McDonald	Seaker
Ames D H	Davies	Harris	McGinnies	Seelbach
Ames H L	Dickstein	Hausner	McKee	Simpson
Amos	Dimin	Hawkins	McLaughlin J F	Slacer
Barra	Dobson F	Healey	McLoughlin J J	Smith C C
Baum	Dobson G A	Henderson	McWhinney	Smith M L
Beasley	Doherty	Hunter	Mead	Smith O J
Betts	Donohoe	Hutchinson	Miller	Steinberg
Blakely	Donohue	Jacobs	Moore	Stitt
Bloch	Downs	Jeffery	Morrissey	Tallett
Blodgett	Duke	Jesse	Moss	Taylor
Bloomfield	Easton	Judson	Mullen	Thayer
Bly	Evans	Kelly	Neary	Trahan
Booth	Everett	Kenyon	Norton	Tyler
Bourke	Fearon	Kiernan	Parker	Ullman
Brady	Fenner	Lattin	Patrzykowski	Van Wagenen J
Brundage	Flynn	Lee	Peck	VanWagenenSB
Burchill	Forbell	Leininger	Pellet	Wallace
Campbell	Fox	Lentol	Pette	Walrath
Carroll W G	Gage	Lindsay	Reilly	Webb
Caulfield	Gardner	Long	Reynaud	Westall
Chamberlin	Gempler	Lord	Rice	Wheelock
Cheney	Gillette E V	MacFarland	Richford	Whitcomb
Cole	Gillett R H	Machold	Roosevelt	Williams
Cosgrove	Hager	Martin	Ross	Wiswall
Cowee	Halpern	McArdle	Rowe	Witter
Crowley	Hamil	McCue	Schwab	Zimmerman

Those who voted in the negative were:

Carroll J T	Jenks	Soule	Wells	Wilson
Cross	Lown			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2137 Rec. No. 782) entitled "Concurrent resolution of the Senate and Assembly proposing an amendment to section seven of article six of the Constitution, in relation to compensation of judges and associate judges of the Court of Appeals."

On motion of Mr. Soule, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the

affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 7

Those who voted in the affirmative were:

Adler	Damico	Harrington	McDonald	Seaker
Ames D H	Davies	Harris	McGinnies	Seelbach
Ames H L	Dickstein	Hausner	McKee	Simpson
Amos	Dimin	Hawkins	McLaughlin J F	Slacer
Barra	Dobson F	Healey	McLoughlin J J	Smith C C
Baum	Dobson G A	Henderson	McWhinney	Smith M L
Beasley	Doherty	Hunter	Mead	Smith O J
Betts	Donohoe	Hutchinson	Miller	Steinberg
Blakely	Donohue	Jacobs	Moore	Stitt
Bloch	Downs	Jeffery	Morrissey	Tallett
Bloodgett	Duke	Jesse	Moss	Taylor
Bloomfield	Easton	Judson	Mullen	Thayer
Bly	Evans	Kelly	Neary	Trahan
Booth	Everett	Kenyon	Norton	Tyler
Bourke	Fearon	Kiernan	Parker	Ullman
Brady	Fenner	Lattin	Patrzykowski	Van Wagenen J
Brundage	Flynn	Lee	Peck	VanWagenenSB
Burchill	Forbell	Leininger	Pellet	Wallace
Campbell	Fox	Lentol	Pette	Walrath
Carroll W G	Gage	Lindsay	Reilly	Webb
Caulfield	Gardner	Long	Reynaud	Westall
Chamberlin	Gempler	Lord	Rice	Wheelock
Cheney	Gillette E V	MacFarland	Richford	White-mb
Cole	Gillett R H	Machold	Roosevelt	Williams
Cosgrove	Hager	Martin	Ross	Wiswall
Cowee	Halpern	McArdle	Rowe	Witter
Crowley	Hamill	McCue	Schwab	Zimmerman

Those who voted in the negative were:

Carroll J T	Jenks	Soule	Wells	Wilson
Cross	Low			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1944, Rec. No. 755) entitled "An act to amend the General Business Law, repealing article twenty-five-b thereof, in relation to mattresses, upholstered box springs and metal bed springs, and inserting in place thereof a new article in relation to the same."

On motion of Mr. Hutchinson, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed, and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 7

Those who voted in the affirmative were:

Adler	Damico	Harrington	McDonald	Seaker
Ames D H	Davies	Harris	McGinnies	Seelbach
Ames H L	Dickstein	Hausner	McKee	Simpson
Amos	Dimin	Hawkins	McLaughlin J F	Slacer
Barra	Dobson F	Healey	McLoughlin J J	Smith C C
Baum	Dobson G A	Henderson	McWhinney	Smith M L
Beasley	Doherty	Hunter	Mead	Smith O J
Betts	Donohoe	Hutchinson	Miller	Steinberg
Blakely	Donohue	Jacobs	Moore	Stitt
Bloch	Downs	Jeffery	Morrissey	Tallett
Blodgett	Duke	Jesse	Moss	Taylor
Bloomfield	Easton	Judson	Mullen	Thayer
Bly	Evans	Kelly	Neary	Trahan
Booth	Everett	Kenyon	Norton	Tyler
Bourke	Fearon	Kiernan	Parker	Ullman
Brady	Fenner	Lattin	Patrzykowski	Van Wagenen J
Brundage	Flynn	Lee	Peck	Van Wagenen SB
Burchill	Forbell	Leininger	Pellet	Wallace
Campbell	Fox	Lentol	Pette	Walrath
Carroll W G	Gage	Lindsay	Reilly	Webb
Caulfield	Gardner	Long	Reynaud	Westall
Chamberlin	Gempler	Lord	Rice	Wheelock
Cheney	Gillette E V	MacFarland	Richford	Whitcomb
Cole	Gillett R H	Machold	Roosevelt	Williams
Cosgrove	Hager	Martin	Ross	Wiswall
Cowee	Halpern	McArdle	Rowe	Witter
Crowley	Hamill	McCue	Schwab	Zimmerman

Those who voted in the negative were:

Carroll J T	Jenks	Soule	Wells	Wilson
Cross	Lown			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1942, Rec. No. 762) entitled "An act to amend the Town Law, in relation to compensation of town clerks in certain counties."

On motion of Mr. Blakely, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 7

Those who voted in the affirmative were:

Adler	Damico	Harrington	McDonald	Seaker
Ames D H	Davies	Harris	McGinnies	Seelbach
Ames H L	Dickstein	Hausner	McKee	Simpson
Amos	Dimin	Hawkins	McLaughlin J F	Slacer
Barra	Dobson F	Healey	McLoughlin J J	Smith C C
Baum	Dobson G A	Henderson	McWhinney	Smith M L
Beasley	Doherty	Hunter	Mead	Smith O J
Betts	Donohoe	Hutchinson	Miller	Steinberg
Blakely	Donohue	Jacobs	Moore	Stitt
Bloch	Downs	Jeffery	Morrissey	Tallett
Blodgett	Duke	Jesse	Moss	Taylor
Bloomfield	Easton	Judson	Mullen	Thayer
Bly	Evans	Kelly	Neary	Trahan
Booth	Everett	Kenyon	Norton	Tyler
Bourke	Fearon	Kiernan	Parker	Ullman
Brady	Fenner	Lattin	Patrzykowski	Van Wagenen J
Brundage	Flynn	Lee	Peck	Van Wagenen SB
Burchill	Forbell	Leininger	Pellet	Wallace
Campbell	Fox	Lentol	Pette	Walrath
Carroll W G	Gage	Lindsay	Reilly	Webb
Caulfield	Gardner	Long	Reynaud	Westall
Chamberlin	Gempler	Lord	Rice	Wheelock
Cheney	Gillette E V	MacFarland	Richford	Whitcomb
Cole	Gillett R H	Machold	Roosevelt	Williams
Cosgrove	Hager	Martin	Ross	Wiswall
Cowee	Halpern	McArdle	Rowe	Witter
Crowley	Hamill	McCue	Schwab	Zimmerman

Those who voted in the negative were:

Carroll J T	Jenks	Soule	Wells	Wilson
Cross	Lown			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2060, Rec. No. 788) entitled "An act to amend the

Liquor Tax Law, in relation to abolishing certain officers in the Department of Excise, defining the powers and duties of the Commissioner of Excise, and making an appropriation for the administration and enforcement of the Liquor Tax Law."

On motion of Mr. Soule, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 109

NOES 33

Those who voted in the affirmative were:

Adler	Damico	Hausner	Moore	Soule
Ames D H	Davies	Hawkins	Morrissey	Steinberg
Ames H L	Dimin	Hunter	Moss	Stitt
Amos	Dobson F	Hutchinson	Mullen	Tallett
Baum	Dobson G A	Jacobs	Neary	Thayer
Betts	Doherty	Jeffery	Norton	Trahan
Blakely	Donohoe	Jenks	Parker	Tyler
Blodgett	Downs	Jesse	Peck	Ullman
Bloomfield	Duke	Judson	Pellet	VanWagenenSB
Bly	Everett	Kenyon	Pette	Wallace
Booth	Fearon	Lattin	Rice	Walrath
Bourke	Fenner	Lee	Richford	Webb
Brady	Forbell	Long	Roosevelt	Wells
Brundage	Fox	Lord	Ross	Westall
Campbell	Gage	Lown	Rowe	Wheelock
Carroll J T	Gardner	MacFarland	Seaker	Whitcomb
Caulfield	Gempler	Machold	Seelbach	Williams
Chamberlin	Gillett R H	Martin	Simpson	Wilson
Cheney	Hager	McGinnies	Slacer	Wiswall
Cole	Halpern	McWhinney	Smith C C	Witter
Cowee	Harrington	Mead	Smith M L	Zimmerman
Crowley	Harris	Miller	Smith O J	

Those who voted in the negative were:

Barra	Dickstein	Healey	McArdle	Patrzykowski
Beasley	Donohue	Henderson	McCue	Reilly
Bloch	Easton	Kelly	McDonald	Reynaud
Burchill	Evans	Kiernan	McKee	Schwab
Carroll W G	Flynn	Leininger	McLaughlin J F	Taylor
Cosgrove	Gillette E V	Lentol	McLoughlin J J	Van Wagenen J
Cross	Hamill	Lindsay		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The bill (No. 2141, Int. No. 1380) entitled "An act to amend the Conservation Law, in relation to taking of muskalonge," was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

Adler	Damico	Hausner	McGinnies	Simpson
Ames D H	Davies	Hawkins	McKee	Slacer
Ames H L	Dickstein	Healey	McLaughlin J F	Smith C C
Amos	Dimin	Henderson	McLoughlin J J	Smith M L
Barra	Dobson F	Hunter	McWhinney	Smith O J
Baum	Dobson G A	Hutchinson	Mead	Soule
Beasley	Doherty	Jacobs	Miller	Steinberg
Betts	Donohoe	Jeffery	Moore	Stitt
Blakely	Donohue	Jenks	Morrissey	Tallett
Bloch	Downs	Jesse	Moss	Taylor
Blodgett	Duke	Judson	Mullen	Thayer
Bloomfield	Easton	Kelly	Neary	Trahan
Bly	Evans	Kenyon	Norton	Tyler
Booth	Everett	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	Van Wagenen J
Brady	Fenner	Lee	Peck	VanWagenenSB
Brundage	Flynn	Leininger	Pellet	Wallace
Burchill	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Webb
Carroll J T	Gage	Long	Reynaud	Wells
Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams
Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley	Harris			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 1751, Int. No. 1503) entitled "An act to amend the Penal Law, in relation to the sale of certain tickets in cities

of over one million population," having been announced for a third reading,

On motion of Mr. Pellet, said bill was laid aside, and ordered stricken from the calendar.

The bill (No. 2198, Int. No. 258) entitled "An act to amend the Public Service Commissions Law, in relation to interchange of facilities by common carriers," was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

Adler	Damico	Hausner	McGinnies	Simpson
Ames D H	Davies	Hawkins	McKee	Slacer
Ames H L	Dickstein	Healey	McLaughlin J F	Smith C C
Amos	Dimin	Henderson	McLoughlin J J	Smith M L
Barra	Dobson F	Hunter	McWhinney	Smith O J
Baum	Dobson G A	Hutchinson	Mead	Soule
Beasley	Doherty	Jacobs	Miller	Steinberg
Betts	Donohoe	Jeffery	Moore	Stitt
Blakely	Donohue	Jenks	Morrissey	Tallett
Bloch	Downs	Jesse	Moss	Taylor
Blodgett	Duke	Judson	Mullen	Thayer
Bloomfield	Easton	Kelly	Neary	Trahan
Bly	Evans	Kenyon	Norton	Tyler
Booth	Everett	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	Van Wagenen J
Brady	Fenner	Lee	Peck	Van Wagenen SB
Brundage	Flynn	Leiningar	Pellet	Wallace
Burchill	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Webb
Carroll J T	Gage	Long	Reynaud	Wells
Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams
Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley	Harris			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 2229, Int. No. 1491) entitled "An act to amend section fifty-four of the Public Lands Law, being chapter fifty of the Laws of nineteen hundred and nine, as amended by chapter two hundred and ninety-nine of the Laws of nineteen hundred and sixteen, to authorize the Commissioners of the Land Office to convey to railroad corporations those parts or portions of abandoned canal lands which are crossed by railroad bridges maintained by railroad corporations, and giving such railroad corporations a preferential right to acquire title thereto," was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

Adler	Damico	Hausner	McGinnies	Simpson
Ames D H	Davies	Hawkins	McKee	Slacer
Ames H L	Dickstein	Healey	McLaughlin J F	Smith C C
Amos	Dimin	Henderson	McLoughlin J J	Smith M L
Barra	Dobson F	Hunter	McWhinney	Smith O J
Baum	Dobson G A	Hutchinson	Mead	Soule
Beasley	Doherty	Jacobs	Miller	Steinberg
Betts	Donohue	Jeffery	Moore	Stitt
Blakely	Donohue	Jenks	Morrissey	Tallett
Bloch	Downs	Jesse	Moss	Taylor
Blodgett	Duke	Judson	Mullen	Thayer
Bloomfield	Easton	Kelly	Neary	Trahan
Bly	Evans	Kenyon	Norton	Tyler
Booth	Everett	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	Van Wagenen J
Brady	Fenner	Lee	Peck	VanWagenenSB
Brundage	Flynn	Leininger	Pellet	Wallace
Burchill	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Webb
Carroll J T	Gage	Long	Reynaud	Wells
Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams
Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley	Harris			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and, as amended, have again passed the same, and request the concurrence of the Senate therein.

The bill (No. 2129, Int. No. 1198) entitled "An act to amend chapter twenty-nine of the Laws of nineteen hundred and eight, entitled 'An act to incorporate the city of Glens Falls,' by making provisions for the establishment and maintenance of a pension fund for firemen and policemen," was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

Adler	Damico	Hausner	McGinnies	Simpson
Ames D H	Davies	Hawkins	McKee	Slacer
Ames H L	Dickstein	Healey	McLaughlin J F	Smith C C
Amos	Dimin	Henderson	McLoughlin J J	Smith M L
Barra	Dobson F	Hunter	McWhinney	Smith O J
Baum	Dobson G A	Hutchinson	Mead	Soule
Beasley	Doherty	Jacobs	Miller	Steinberg
Betts	Donohoe	Jeffery	Moore	Stitt
Blakely	Donohue	Jenks	Morrissey	Tallett
Bloch	Downs	Jesse	Moss	Taylor
Blodgett	Duke	Judson	Mullen	Thayer
Bloomfield	Easton	Kelly	Neary	Trahan
Bly	Evans	Kenyon	Norton	Tyler
Booth	Everett	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	Van Wagenen J
Brady	Fenner	Lee	Peck	Van Wagenen SB
Brundage	Flynn	Leininger	Pellet	Wallace
Burchill	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Webb
Carroll J T	Gage	Long	Reynaud	Wells
Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams
Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley	Harris			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 2218, Int. No. 292) entitled "An act to amend the Public Health Law, in relation to the practice of medicine," having been announced,

Debate was had.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 43

NOES 78

Those who voted in the affirmative were:

Adler	Crowley	Harrington	Machold	Ross
Beasley	Davies	Hausner	Martin	Smith C C
Bloch	Donohue	Hutchinson	McKee	Tallett
Blodgett	Downs	Jeffery	McWhinney	Thayer
Bloomfield	Duke	Jenks	Mead	VanWagenenSB
Campbell	Fenner	Kenyon	Neary	Webb
Cole	Fox	Lattin	Parker	Westall
Cosgrove	Gardner	Lown	Richford	Zimmerman
Cowee	Hager	MacFarland		

Those who voted in the negative were:

Ames D H	Dimin	Hawkins	McLoughlin J J	Smith M L
Ames H L	Dobson F	Healey	Miller	Smith O J
Amos	Dobson G A	Henderson	Moore	Soule
Barra	Doherty	Hunter	Morrissey	Taylor
Baum	Easton	Jacobs	Mullen	Trahan
Betts	Evans	Jesse	Norton	Tyler
Bly	Everett	Judson	Patrzykowski	Ullman
Bourke	Fearon	Kelly	Pellet	VanWagenen J
Brady	Forbell	Leininger	Pette	Wallace
Brundage	Gage	Lentol	Reilly	Walrath
Burchill	Gempler	Lindsay	Rice	Wells
Carroll J T	Gillette E V	Long	Roosevelt	Wheelock
Carroll W G	Gillett R H	Lord	Schwab	Williams
Caulfield	Griffith	McArdle	Seelbach	Wilson
Cross	Halpern	McDonald	Simpson	Witter
Damico	Harris	McLaughlin J F		

The bill (No. 2210, Int. No. 591) entitled "An act to define and regulate the practice of chiropractic," having been announced,

Debate was had.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 85

NOES 38

Those who voted in the affirmative were:

Adler	Davies	Harris	McGinnies	Slacer
Ames D H	Dobson F	Hausner	McLaughlin J F	Smith O J
Ames H L	Dobson G A	Hawkins	McWhinney	Soule
Barra	Doherty	Healey	Mead	Stitt
Baum	Downs	Henderson	Miller	Tallett
Bloomfield	Duke	Hunter	Moore	Thayer
Bly	Everett	Jacobs	Morrissey	Tyler
Bourke	Fearon	Jeffery	Norton	Ullman
Brady	Fenner	Jesse	Parker	Van Wagenen J
Brundage	Forbell	Judson	Patrzykowski	Wallace
Burchill	Gage	Kelly	Pette	Walrath
Carroll W G	Gempler	Kiernan	Reilly	Wheelock
Caulfield	Gillett R H	Leininger	Rice	Whitcomb
Cheney	Hager	Long	Richford	Wilson
Cowee	Halpern	Machold	Schwab	Wiswall
Crowley	Hamill	Martin	Seaker	Witter
Damico	Harrington	McDonald	Seelbach	Zimmerman

Those who voted in the negative were:

Amos	Easton	Lentol	McLoughlin J J	Smith M L
Betts	Evans	Lindsay	Neary	Steinberg
Bloch	Fox	Lord	Pellet	Taylor
Blodgett	Gardner	Lown	Reynaud	Van Wagenen SB
Carroll J T	Gillette E V	MacFarland	Roosevelt	Webb
Cole	Hutchinson	McArdle	Ross	Wells
Cosgrove	Jenks	McCue	Smith C C	Williams
Donohue	Lattin	McKee		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 2013, Int. No. 895) entitled "An act to amend the Conservation Law, in relation to the regulation of the flow of rivers and streams by reservoirs," was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the

affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

Adler	Damico	Hausner	McGinnies	Simpson
Ames D H	Davies	Hawkins	McKee	Slacer
Ames H L	Dickstein	Healey	McLaughlin J F	Smith C C
Amos	Dimin	Henderson	McLoughlin J J	Smith M L
Barra	Dobson F	Hunter	McWhinney	Smith O J
Baum	Dobson G A	Hutchinson	Mead	Soule
Beasley	Doherty	Jacobs	Miller	Steinberg
Betts	Donohoe	Jeffery	Moore	Stitt
Blakely	Donohue	Jenks	Morrissey	Tallett
Bloch	Downs	Jesse	Moss	Taylor
Blodgett	Duke	Judson	Mullen	Thayer
Bloomfield	Easton	Kelly	Neary	Trahan
Bly	Evans	Kenyon	Norton	Tyler
Booth	Everett	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	VanWagenen J
Brady	Fenner	Lee	Peck	VanWagenenSB
Brundage	Flynn	Leininger	Pellet	Wallace
Burchill	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Webb
Carroll J T	Gage	Long	Reynaud	Wells
Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams
Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Covee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley	Harris			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 1983, Int. No. 625) entitled "An act to amend the Tax Law, in relation to taxation of corporations," having been announced for a third reading,

On motion of Mr. Judson, and by unanimous consent, said bill was ordered placed on the third reading calendar for Saturday next.

The bill (No. 2248, Int. No. 1710) entitled "An act to incorporate the National Guard Memorial Association," having been announced for a third reading,

On motion of Mr. R. H. Gillett, and by unanimous consent,

said bill was ordered placed on the third reading calendar for Saturday next.

Mr. Speaker announced the special order, being the bill (No. 26, Int. No. 26) entitled "An act to amend the Election Law, in relation to the membership of the State committee."

Said bill having been announced for a third reading,

On motion of Mr. Donohue, said bill was laid aside, and ordered stricken from the calendar.

The bill (No. 923, Int. No. 841) entitled "An act to enable Alvah A. Sharp, of Red Creek, in the county of Wayne, to be examined for license to practice veterinary medicine," was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

Adler	Damico	Hausner	McGinnies	Simpson
Ames D H	Davies	Hawkins	McKee	Slacer
Ames H L	Dickstein	Healey	McLaughlin J F	Smith C C
Amos	Dimin	Henderson	McLoughlin J J	Smith M L
Barra	Dobson F	Hunter	McWhinney	Smith O J
Baum	Dobson G A	Hutchinson	Mead	Soule
Beasley	Doherty	Jacobs	Miller	Steinberg
Betts	Donohoe	Jeffery	Moore	Stitt
Blakely	Donohue	Jenks	Morrissey	Tallett
Bloch	Downs	Jesse	Moss	Taylor
Blodgett	Duke	Judson	Mullen	Thayer
Bloomfield	Easton	Kelly	Neary	Trahan
Bly	Evans	Kenyon	Norton	Tyler
Booth	Everett	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	VanWagenen J
Brady	Fenner	Lee	Peck	VanWagenenSB
Brundage	Flynn	Leininger	Pellet	Wallace
Burchill	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Webb
Carroll J T	Gagi	Long	Reynaud	Wells
Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams

Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley	Harris			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 2251, Int. No. 111) entitled "An act to amend the Civil Service Law, in relation to retention in office," was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

Adler	Damico	Hausner	McGinnies	Simpson
Ames D H	Davies	Hawkins	McKee	Slacer
Ames H L	Dickstein	Healey	McLaughlin J F	Smith C C
Amos	Dimin	Henderson	McLoughlin J J	Smith M L
Barra	Dobson F	Hunter	McWhinney	Smith O J
Baum	Dobson G A	Hutchinson	Mead	Soule
Beasley	Doherty	Jacobs	Miller	Steinberg
Betts	Donohoe	Jesse	Moore	Stitt
Blakely	Donohue	Jeffery	Morrissey	Tallett
Bloch	Downs	Jenks	Moss	Taylor
Blodgett	Duke	Judson	Mullen	Thayer
Bloomfield	Easton	Kelly	Neary	Trahan
Bly	Evans	Kenyon	Norton	Tyler
Booth	Everett	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	VanWagenen J
Brady	Fenner	Lee	Peck	VanWagenenSB
Brundage	Flynn	Leininger	Pellet	Wallace
Burchill	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Webb
Carroll J T	Gage	Long	Reynaud	Wells
Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams
Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley	Harris			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and, as amended, have again passed the same, and request the concurrence of the Senate therein.

The Senate returned the Assembly bill (No. 1836, Senate Reprint No. 2132, Int. No. 1548) entitled "An act to provide for a department of public health in and for the city of Yonkers," with a message that they have concurred in the passage of the same with the following amendments.

Page 1, lines 8 and 9, strike out words "of another State".

Page 2, line 3, after "surgeon" insert "duly licensed to practice under the laws of this State and who practiced as such or has been engaged in public health work for at least three years."

Page 3, line 17, after "mayor" insert "and subject to the approval of the board of estimate and apportionment."

Mr. Blakely moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

Adler	Damico	Hausner	McGinnies	Simpson
Ames D H	Davies	Hawkins	McKee	Slacer
Ames H L	Dickstein	Healey	McLaughlin J F	Smith C C
Amos	Dimin	Henderson	McLoughlin J J	Smith M L
Barra	Dobson F	Hunter	McWhinney	Smith O J
Baum	Dobson G A	Hutchinson	Mead	Soule
Beasley	Doherty	Jacobs	Miller	Steinberg
Betts	Donohoe	Jeffery	Moore	Stitt
Blakely	Donohue	Jenks	Morrissey	Tallett
Bloch	Downs	Jesse	Moss	Taylor
Blodgett	Duke	Judson	Mullen	Thayer
Bloomfield	Easton	Kelly	Neary	Trahan
Bly	Evans	Kenyon	Norton	Tyler
Booth	Everett	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	VanWagenen J
Brady	Fenner	Lee	Peck	VanWagenenSB
Brundage	Flynn	Leininger	Pellet	Wallace
Burchill	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Webb

Carroll J T	Gage	Long	Reynaud	Wells
Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams
Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley	Harris			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 1314, Senate Reprint No. 2178, Int. No. 1160) entitled "An act to amend the Penal Law, in relation to furnishing false information to publishers for publication," with a message that they have concurred in the passage of the same with the following amendment:

Page 1, line 5, after word "Who" insert "knowingly and".

Mr. Betts moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

Adler	Damico	Hausner	McGinnies	Simpson
Ames D H	Davies	Hawkins	McKee	Slacer
Ames H L	Dickstein	Healey	McLaughlin J F	Smith C C
Amos	Dimin	Henderson	McLoughlin J J	Smith M L
Barra	Dobson F	Hunter	McWhinney	Smith O 2
Baum	Dobson G A	Hutchinson	Mead	Soule
Beasley	Doherty	Jacobs	Miller	Steinberg
Betts	Donohoe	Jeffery	Moore	Stitt
Blakely	Donohue	Jenks	Morrissey	Tallett
Bloch	Downs	Jesse	Moss	Taylor
Blodgett	Duke	Judson	Mullen	Thayer
Bloomfield	Easton	Kelly	Neary	Trahan
Bly	Evans	Kenyon	Norton	Tyler
Booth	Everett	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	VanWagenen J
Brady	Fenner	Lee	Peck	VanWagenenSB

Brundage	Flynn	Leininger	Pellet	Wallace
Burchill	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Webb
Carroll J T	Gage	Long	Reynaud	Wells
Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams
Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley	Harris			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

A message was received from the Senate, in the words following:

IN SENATE, *April 20, 1920.*

Pursuant to concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill (No. 1207, Reprint No. 2090, Rec. No. 278) entitled "An act to amend the Tax Law, in relation to providing for the taxation of the capital stock of freight car companies."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Schackno, and by unanimous consent, the same was amended as follows:

Page 5, line 15, strike out "eight-five-a" and insert in place thereof in italics the word "eighty-seven".

Said bill, as amended, was reprinted, re-engrossed, and having been on the desks of the members three legislative days, was passed and ordered sent to the Assembly for concurrence.

By order of the Senate,

ERNEST A. FAY,

Clerk.

Said bill having been announced, Mr. Judson moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

Adler	Damico	Hausner	McGinnies	Simpson
Ames D H	Davies	Hawkins	McKee	Slacer
Ames H L	Dickstein	Healey	McLaughlin J F	Smith C C
Amos	Dimin	Henderson	McLoughlin J J	Smith M L
Barra	Dobson F	Hunter	McWhinney	Smith O J
Baum	Dobson G A	Hutchinson	Mead	Soule
Beasley	Doherty	Jacobs	Miller	Steinberg
Betts	Donohoe	Jeffery	Moore	Stitt
Blakely	Donohue	Jesse	Morrissey	Tallett
Bloch	Downs	Jenks	Moss	Taylor
Blodgett	Duke	Judson	Mullen	Thayer
Bloomfield	Easton	Kelly	Neary	Trahan
Bly	Evans	Kenyon	Norton	Tyler
Booth	Everett	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	VanWagenen J
Brady	Fenner	Lee	Peck	VanWagenenSB
Brundage	Flynn	Leininger	Pellet	Wallace
Burchill	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Webb
Carroll J T	Gage	Long	Reynaud	Wells
Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams
Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley	Harris			

Said bill, as amended, was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

Adler	Damico	Hausner	McGinnies	Simpson
Ames D H	Davies	Hawkins	McKee	Slacer
Ames H L	Dickstein	Healey	McLaughlin J F	Smith C C
Amos	Dimin	Henderson	McLoughlin J J	Smith M L
Barra	Dobson F	Hunter	McWhinney	Smith O J
Baum	Dobson G A	Hutchinson	Mead	Soule
Beasley	Doherty	Jacobs	Miller	Steinberg
Betts	Donohoe	Jeffery	Moore	Stitt
Blakely	Donohue	Jenks	Morrissey	Tallett
Bloch	Downs	Jesse	Moss	Taylor
Blodgett	Duke	Judson	Mullen	Thayer

Bloomfield	Easton	Kelly	Neary	Trahan
Bly	Evans	Kenyon	Norton	Tyler
Booth	Everett	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	Van Wagenen J
Brady	Fenner	Lee	Peck	VanWagenenSB
Brundage	Flynn	Leininger	Pellet	Wallace
Burchill	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Webb
Carroll J T	Gage	Long	Reynaud	Wells
Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams
Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley	Harris			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and, as amended, have again passed the same.

A message was received from the Senate, in the words following:

IN SENATE, *April 21, 1920.*

Pursuant to concurrent resolution of Senate and Assembly, the Governor returned the Senate bill (No. 403, Assembly Reprint No. 2163, Rec. No. 117) entitled "An act to amend the Stock Corporation Law, in relation to the incurring of debts by corporations authorized to issue shares without nominal or par value."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Walton, and by unanimous consent, the same was amended as follows:

Page 2, line 9, after the period insert in italics: "In case of an increase of stated capital, such increase of stated capital shall be deemed paid in to the extent of the amount of the assets which the corporation has in money and property in excess of the former stated capital."

Said bill, as amended, was reprinted, re-engrossed, and having been on the desks of the members three legislative days, was passed and ordered sent to the Assembly for concurrence.

By order of the Senate,

ERNEST A. FAY,

Clerk.

Said bill having been announced, Mr. Adler moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said

bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

Adler	Damico	Hausner	McGinnies	Simpson
Ames D H	Davies	Hawkins	McKee	Slacer
Ames H L	Dickstein	Healey	McLaughlin J F	Smith C C
Amos	Dimin	Henderson	McLaughlin J J	Smith M L
Barra	Dobson F	Hunter	McWhinney	Smith O J
Baum	Dobson G A	Hutchinson	Mead	Soule
Beasley	Doherty	Jacobs	Miller	Steinberg
Betts	Donohoe	Jeffery	Moore	Stitt
Blakely	Donohue	Jesse	Morrissey	Tallett
Bloch	Downs	Jenks	Moss	Taylor
Blodgett	Duke	Judson	Mullen	Thayer
Bloomfield	Easton	Kelly	Neary	Trahan
Bly	Evans	Kenyon	Norton	Tyler
Booth	Everett	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	VanWagenen J
Brady	Fenner	Lee	Peck	VanWagenenSB
Brundage	Flynn	Leininger	Pellet	Wallace
Burchill	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Webb
Carroll J T	Gage	Long	Reynaud	Wells
Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams
Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley	Harris			

Said bill, as amended, was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

Adler	Damico	Hausner	McGinnies	Simpson
Ames D H	Davies	Hawkins	McKee	Slacer
Ames H L	Dickstein	Healey	McLaughlin J F	Smith C C

Amos	Dimin	Henderson	McLoughlin J J	Smith M L
Barra	Dobson F	Hunter	McWhinney	Smith O J
Baum	Dobson G A	Hutchinson	Mead	Soule
Beasley	Doherty	Jacobs	Miller	Steinberg
Betts	Donohoe	Jeffery	Moore	Stitt
Blakely	Donohue	Jenks	Morrissey	Tallett
Bloch	Duke	Jesse	Moss	Taylor
Bloodgett	Downs	Judson	Mullen	Thayer
Bloomfield	Easton	Kelly	Neary	Trahan
Bly	Evans	Kenyon	Norton	Tyler
Booth	Everett	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	VanWagenen J
Brady	Fenner	Lee	Peck	VanWagenenSB
Brundage	Flynn	Leininger	Pellet	Wallace
Burchill	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Webb
Carroll J T	Gage	Long	Reynaud	Wells
Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Low	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams
Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley	Harris			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and, as amended, have again passed the same.

A message was received from the Senate, in the words following:

IN SENATE, *April 23, 1920.*

Pursuant to resolution of the Senate, the Assembly returned the Senate bill (No. 1736, Rec. No. 354) entitled "An act to amend the Greater New York charter, in relation to the salary of wardens."

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. Black, and by unanimous consent, the same was amended as follows:

Restored to third reading.

Said bill having been on the desks of the members three legislative days, was passed and ordered sent to the Assembly for concurrence.

By order of the Senate,

ERNEST A. FAY,

Clerk.

Said bill having been announced, Mr. Donohue moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote of the final passage of said bill, and it was determined in the affirmative, a majority of all members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

Adler	Damico	Hausner	McGinnies	Simpson
Ames D H	Davies	Hawkins	McKee	Slacer
Ames H L	Dickstein	Healey	McLaughlin J F	Smith C C
Amos	Dimin	Henderson	McLoughlin J J	Smith M L
Barra	Dobson F	Hunter	McWhinney	Smith O J
Baum	Dobson G A	Hutchinson	Mead	Soule
Beasley	Doherty	Jacobs	Miller	Steinberg
Betts	Donohoe	Jeffery	Moore	Stitt
Blakely	Donohue	Jenks	Morrissey	Tallett
Bloch	Downs	Jesse	Moss	Taylor
Blodgett	Duke	Judson	Mullen	Thayer
Bloomfield	Easton	Kelly	Neary	Trahan
Bly	Evans	Kenyon	Norton	Tyler
Booth	Everett	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	Van Wagenen J
Brady	Fenner	Lee	Peck	Van Wagenen SB
Brundage	Flynn	Leininger	Pellet	Wallace
Burchill	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Webb
Carroll J T	Gage	Long	Reynaud	Wells
Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams
Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley	Harris			

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

Adler	Damico	Hausner	McGinnies	Simpson
Ames D H	Davies	Hawkins	McKee	Slacer
Ames H L	Dickstein	Healey	McLaughlin J F	Smith C C

Amos	Dimin	Henderson	McLoughlin J J	Smith M L
Barra	Dobson F	Hunter	McWhinney	Smith O J
Baum	Dobson G A	Hutchinson	Mead	Soule
Beasley	Doherty	Jacobs	Miller	Steinberg
Betts	Donohoe	Jeffery	Moore	Stitt
Blakely	Donohue	Jenks	Morrissey	Tallett
Bloch	Downs	Jesse	Moss	Taylor
Blodgett	Duke	Judson	Mullen	Thayer
Bloomfield	Easton	Kelly	Neary	Trahan
Bly	Evans	Kenyon	Norton	Tyler
Booth	Everett	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	VanWagenen J
Brady	Fenner	Lee	Peck	VanWagenenSB
Brundage	Flynn	Leininger	Pellet	Wallace
Burchill	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Webb
Carroll J T	Gage	Long	Reynaud	Wells
Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams
Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley	Harris			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and, as amended, have again passed the same.

A message was received from the Senate, in the words following:

IN SENATE, *April 23, 1920.*

Pursuant to concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill (No. 898, Reprint No. 2255, Rec. No. 491) entitled "An act to amend the Public Health Law, in relation to the practice of nursing,"

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Mullen, and by unanimous consent, the same was amended as follows:

Page 12, line 14, strike out the word "general".

Line 15, after the comma insert in italics ", or an equivalent for such hospital experience, such equivalent to be determined by the State Department of Education and the State Commissioner of Health."

Said bill, as amended, was reprinted, re-engrossed, and having been on the desks of the members three legislative days, was passed and ordered sent to the Assembly for concurrence.

By order of the Senate,

ERNEST A. FAY,

Clerk.

Said bill having been announced, Mr. Kenyon moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

Adler	Damico	Hausner	McGinnies	Simpson
Ames D H	Davies	Hawkins	McKee	Slacer
Ames H L	Dickstein	Healey	McLaughlin J F	Smith C C
Amos	Dimin	Henderson	McLoughlin J J	Smith M L
Barra	Dobson F	Hunter	McWhinney	Smith O J
Baum	Dobson G A	Hutchinson	Mead	Soule
Beasley	Doherty	Jacobs	Miller	Steinberg
Betts	Donohoe	Jeffery	Moore	Stitt
Blakely	Donohue	Jenks	Morrissey	Tallett
Bloch	Downs	Jesse	Moss	Taylor
Blodgett	Duke	Judson	Mullen	Thayer
Bloomfield	Easton	Kelly	Neary	Trahan
Bly	Evans	Kenyon	Norton	Tyler
Rooth	Everett	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	VanWagenen J
Brady	Fenner	Lee	Peck	VanWagenen SB
Brundage	Flynn	Leininger	Pellet	Wallace
Burchill	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Webb
Carroll J T	Gage	Long	Reynaud	Wells
Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams
Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley	Harris			

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 35,

Printed No. 898) entitled "An act to amend the Public Health Law, in relation to the practice of nursing," as amended.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany this twenty-third [L. S.] day of April in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,

Secretary to the Governor.

Debate was had.

Said bill, as amended, was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 100

NOES 26

Those who voted in the affirmative were:

Adler	Cross	Gillette E V	Machold	Schwab
Amos	Damico	Gillett R H	McArdle	Seaker
Barra	Davies	Hager	McCue	Simpson
Baum	Dickstein	Harrington	McDonald	Slacer
Beasley	Dimin	Harris	McGinnies	Smith M L
Betts	Dobson F	Hausner	McKee	Steinberg
Blakely	Doherty	Hawkins	McLaughlin J F	Taylor
Bloch	Donohoe	Healey	McLoughlin J J	Trahan
Blodgett	Donohue	Henderson	McWhinney	Tyler
Booth	Downs	Hunter	Miller	VanWagenenSB
Brady	Duke	Jacobs	Moore	Wallace
Brundage	Evans	Jeffery	Neary	Walrath
Burchill	Everett	Jenks	Norton	Webb
Carroll J T	Fenner	Judson	Parker	Wells
Carroll W G	Flynn	Kelly	Patrzykowski	Westall
Caulfield	Forbell	Kenyon	Pette	Whitcomb
Chamberlin	Fox	Kiernan	Reynaud	Williams
Cheney	Gage	Lee	Rice	Wilson
Cole	Gardner	Lentol	Richford	Witter
Cosgrove	Gempfer	Lindsay	Roosevelt	Zimmerman

Those who voted in the negative were:

Ames D H	Cowee	Lord	Morrissey	Stitt
Ames H L	Dobson G A	Lown	Seelbach	Tallett
Bloomfield	Fearon	MacFarland	Smith C C	VanWagenen J
Bly	Lattin	Martin	Smith O J	Wheelock
Bourke	Long	Mead	Soule	Wiswall
Campbell				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered the vote on the final passage of said bill, and, as amended, have again passed the same and request the concurrence of the Senate therein.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *April 23, 1920.*

By Mr. Walters:

Resolved (if the Senate concur), That the joint legislative committee created by resolution adopted March 30, 1910, and since continued to investigate the scope, tendencies and ramifications of seditious activities be continued with all the powers and duties heretofore conferred and imposed upon such committee and that the time for it to make its final report to the Legislature be extended to July 1, 1920, and that upon the conclusion of its labors it turn over its records, papers and documents to the Attorney-General.

By order of the Senate,

ERNEST A. FAY,

Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

Adler	Damico	Hausner	McGinnies	Simpson
Ames D H	Davies	Hawkins	McKee	Slacer
Ames H L	Dickstein	Healey	McLaughlin J F	Smith C C
Amos	Dimin	Henderson	McLoughlin J J	Smith M L
Barra	Dobson F	Hunter	McWhinney	Smith O J
Baum	Dobson G A	Hutchinson	Mead	Soule
Beasley	Doherty	Jacobs	Miller	Steinberg
Betts	Donohoe	Jeffery	Moore	Stitt
Blakely	Donohue	Jenks	Morrissey	Tallett
Bloch	Downs	Jesse	Moss	Taylor
Blodgett	Duke	Judson	Mullen	Thayer
Bloomfield	Easton	Kelly	Neary	Trahan
Bly	Evans	Kenyon	Norton	Tyler
Booth	Everett	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	VanWagenen J
Brady	Fenner	Lee	Peck	VanWagenenSB
Brundage	Flynn	Leininger	Pellet	Wallace

Burchill	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Westall
Carroll J T	Gage	Long	Reynaud	Webb
Carroll W G	Gardner	Lord	Rice	Wells
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams
Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley	Harris			

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

A communication was received from Hon. John F. Hylan, mayor of the city of New York, returning Assembly bill (No. 343, Int. No. 331) entitled "An act to amend the Greater New York charter, in relation to the annual city budget," with a message that said mayor, after a public hearing thereon, does not approve said bill and does not accept the same.

Mr. Speaker stated the question to be, "Shall this bill pass notwithstanding the objections of the mayor of the city of New York thereto?" and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

AYES 100

NOES 29

Those who voted in the affirmative were:

Adler	Cowee	Hawkins	Miller	Steinberg
Ames D H	Crowley	Hunter	Moore	Stitt
Ames H L	Damico	Hutchinson	Morrissey	Tallett
Amos	Dimin	Jacobs	Mullen	Thayer
Baum	Dobson F	Jeffery	Neary	Trahan
Betts	Dobson G A	Jenks	Norton	Tyler
Bloch	Doherty	Jesse	Parker	Ullman
Blodgett	Downs	Judson	Pette	VanWagenenSB
Bloomfield	Duke	Kenyon	Rice	Wallace
Bly	Fearon	Lattin	Richford	Walrath
Booth	Fenner	Lee	Roosevelt	Webb
Bourke	Forbell	Long	Ross	Westall
Brady	Fox	Lord	Rowe	Wheelock
Brundage	Gage	Lown	Seaker	Whitcomb
Campbell	Gardner	MacFarland	Simpson	Williams
Carroll J T	Gempler	Machold	Slacer	Wilson

Caulfield	Halpern	Martin	Smith C C	Wiswall
Chamberlin	Harrington	McGinnies	Smith M L	Witter
Cheney	Harris	McWhinney	Smith O J	Zimmerman
Cole	Hausner	Mead	Soule	

Those who voted in the negative were:

Barra	Dickstein	Hamill	Lentol	McLaughlin J F
Burchill	Donohue	Healey	Lindsay	McLoughlin J J
Carroll W G	Easton	Henderson	McArdle	Patrzykowski
Cosgrove	Evans	Kelly	McCue	Reynaud
Cross	Flynn	Kiernan	McDonald	Schwab
Cuvillier	Gillette E V	Leininger	McKee	Taylor

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *April 23, 1920.*

By Mr. Walters:

Whereas, There is obvious need for the recodification of the Labor Laws of the State of New York; and

Whereas, Certain substantive changes in such laws have been demanded during the successive sessions of the Legislature by the Industrial Commission and by employees and employers which would seem to indicate that some revision of the Labor Laws is necessary; and

Whereas, The Legislature has been loath to make such substantive changes without full and complete knowledge of the facts at first had; therefore, be it

Resolved (if the Assembly concur), That a joint committee of the Senate and Assembly be and hereby is created, to consist of five members of the committee on labor and industry of the Senate, to be appointed by the Temporary President of the Senate, and six members of the committee on labor and industries of the Assembly, to be appointed by the Speaker of the Assembly, to recodify the existing Labor Laws and to revise such portions of the said laws, as in the judgment of the committee and upon investigation, need revision, and to report thereon, with its recommendations to the next Legislature; vacancies in the membership of the committee shall be filled in the same manner as original appointments; and further

Resolved, That the chairman of the joint committee shall be the chairman of the committee on labor and industry of the Senate and the vice-chairman of the joint committee shall be the chairman of the committee on labor and industries in the Assembly; that the joint committee shall have full power to select its other officers and conduct its work through subcommittees, have the

service and advice of the Industrial Commission or other department of the State necessary for its work and employ such other assistants, experts, stenographers, clerks or other employees as it may deem necessary for the proper prosecution of its work to sit and conduct its studies and investigations anywhere within the State, and outside of the State within the United States; to take and read proofs and testimony and subpoena and compel the attendance of witnesses and the production of books, papers and records within the State and otherwise have all the powers of a legislative committee as provided in the Legislative Law, including the adoption of rules for the conduct of its proceedings; and further

Resolved, That the sum of five thousand dollars, or so much thereof as may be necessary, be and hereby is appropriated from the funds set aside for the contingent expenses of the Legislature for the necessary expenses of such committee, to be paid by the Treasurer upon vouchers approved by the chairman of such committee.

By order of the Senate,

ERNEST A. FAY,

Clerk.

which was referred to the committee on rules.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *April 23, 1920.*

By Mr. Walters:

Resolved (if the Assembly concur), That the joint legislative committee appointed pursuant to a concurrent resolution of the Legislature adopted April 18, 1919, to investigate and ascertain all housing and tenement house conditions and the causes for the lack of construction of new buildings, flats and apartments for rent in cities, and especially in the city of New York, and the causes of the continuance in rents, charged to tenants of apartments, flats and dwelling places in cities and especially in the city of New York, to report and disclose the facts showing whether such increase and lack of construction be justified or not, and also to investigate the supply and distribution of ice in cities, especially in the city of New York and to formulate such legislative plan as the committee may deem practicable and effective to present the exaction of excessive rents, from such tenants and to remedy conditions with respect to ice, be continued with all the powers and duties heretofore conferred and imposed upon

such committee, and that the time for it to make its final report to the Legislature be extended to March 1, 1921; and further

Resolved, That the sum of seventy-five hundred dollars, or so much thereof as may be necessary, be and hereby is appropriated from the contingent fund of the Legislature for the necessary expenses incurred and to be incurred by said committee to be paid upon vouchers approved and audited according to law.

By order of the Senate,

ERNEST A. FAY,

Clerk.

which was referred to the committee on rules.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *April 22, 1920.*

Resolved (if the Assembly concur), That a respectful message be sent to the Governor, requesting the return of the Senate bill (No. 898, Rec. No. 491) entitled "An act to amend the Public Health Law, in relation to the practice of nursing," for the purpose of amendment.

By order of the Senate,

ERNEST A. FAY,

Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *April 23, 1920.*

Resolved (if the Assembly concur), That a respectful message be sent to the Governor, requesting the return of the Senate bill (No. 1733, Rec. No. 388) entitled "An act to amend the Workmen's Compensation Law, generally," for the purpose of amendment.

By order of the Senate,

ERNEST A. FAY,

Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the bill (No. 1213, Int. No. 1088) entitled "An act to amend the Code of Criminal Procedure, in relation to the appointment of stenographers in the court of general sessions, New York county."

Also, the bill (No. 2150, Int. No. 670) entitled "An act to amend the Greater New York charter, in relation to salaries of clerks, deputy clerks and assistant clerks of the municipal court of the city of New York," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit certified copies thereof to the mayor of the city of New York.

Also, the bill (No. 2115, Int. No. 1262) entitled "An act to amend the charter of the city of Plattsburgh, in relation to street and sidewalk improvement and payments therefor," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Plattsburgh.

Also, the bill (No. 839, Int. No. 764) entitled "An act to amend the Judiciary Law, in relation to additional compensation to be allowed justices of the city court of the city of New York in connection with drawing of jurors," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

Also, Assembly bill (No. 1334, Senate Reprint No. 1835, Int. No. 1180) entitled "An act to amend the Niagara Falls charter, in relation to the establishment of an advisory board of zoning commissioners and to the powers and duties thereof," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Niagara Falls.

Also, the bill (No. 1788, Int. No. 1055) entitled "An act to amend chapter three hundred and fifty-three of the Laws of eighteen hundred and sixty-two, entitled 'An act to incorporate the Ten Broeck Free Academy,' in relation to powers and duties of the trustees thereof."

Also, the bill (No. 2174, Int. No. 425) entitled "An act to amend the Election Law, in relation to the fees of election officers."

Also, the bill (No. 2172, Int. No. 611) entitled "An act to amend the Tax Law, in relation to taxes upon and with respect to personal incomes, generally."

Also, the bill (No. 2226, Int. No. 242) entitled "An act to amend the Tax Law, in relation to complaints concerning special franchise assessments by the State Tax Commission."

Also, the bill (No. 553, Int. No. 517) entitled "An act making appropriations for the New York State Veterinary College for the eastern portion of the State, at New York University, New York city."

Also, the bill (No. 2194, Int. No. 1068) entitled "An act to amend the Insanity Law, in relation to salaries of certain officers and wages of certain employees and making an appropriation therefor."

Also, the bill (No. 2227, Int. No. 1117) entitled "An act to abolish the office of coroner in the county of Oswego, and to provide that the powers and duties of coroners in such county shall hereafter be exercised by the district attorney."

Also, the bill (No. 1948, Int. No. 1625) entitled "An act making an appropriation for camps and schools of instruction, maneuvers, exercises and field training, drill and instruction of the New York Guard."

Also, the bill (No. 2050, Int. No. 1644) entitled "An act to amend the Education Law, in relation to the retirement fund for public school teachers."

Also, the bill (No. 2193, Int. No. 1665) entitled "An act to amend the Insanity Law, in relation to salaries and wages of officers and employees in State hospitals."

Also, the bill (No. 2077, Int. No. 1693) entitled "An act to amend the General Municipal Law, in relation to allowances by

boards of child welfare," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bills to the Governor.

Also, Senate bill (No. 1000, Assembly Reprint No. 2041, Rec. No. 208) entitled "An act to amend the revised charter of the city of Syracuse, in relation to the boundary of such city and of the fifth ward thereof."

Also, Senate bill (No. 1468, Assembly Reprint No. 2176, Rec. No. 362) entitled "An act to amend the Corning charter, generally."

Also, Senate bill (No. 1125, Assembly Reprint No. 2209, Rec. No. 480) entitled "An act to amend chapter two hundred and seventeen of the Laws of nineteen hundred and fourteen, entitled 'An act to provide a charter for the city of Buffalo,' in relation to eminent domain."

Also, Senate bill (No. 1275, Assembly Reprint No. 2165, Rec. No. 518) entitled "An act to amend the Education Law, in relation to the qualifications of teachers, and making an appropriation for expenses," with a message that they have concurred in the amendments of the Assembly made thereto.

Ordered, That the Clerk return said bills to the Senate.

Also, Assembly bill (No. 1145, Senate Reprint No. 2158, Int. No. 1029) entitled "An act to amend the Code of Civil Procedure, in relation to the salaries of stenographers in surrogates' courts."

Also, Assembly bill (No. 1834, Senate Reprint No. 2051, Int. No. 1337) entitled "An act to amend the Town Law, in relation to compensation of justices of the peace and town clerks in certain towns."

Ordered, That the Clerk deliver said bills to the Governor.

A communication was received from Hon. Samuel A. Carlson, mayor of the city of Jamestown, returning Assembly bill (No. 1352, Int. No. 1030) entitled "An act to amend the Education Law, in relation to school district taxes and bonds in the school district of the city of Jamestown, and to classify such bonds," with a message that said mayor, and common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. John F. Hylan, mayor of the city of New York, returning Assembly bill (No. 683, Int. No. 177) entitled "An act to amend the Greater New York charter, in relation to appropriations for the observance of Memorial day in the city of New York," with a message that said mayor, and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. W. Irving Griffing, mayor of the city of Glens Falls, returning Assembly bill (No. 1211, Int. No. 1086) entitled "An act to amend chapter twenty-nine of the Laws of nineteen hundred and eight, entitled 'An act to incorporate the city of Glens Falls,' in relation to the hours of holding special elections," with a message that said mayor, and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. John F. Hylan, mayor of the city of New York, returning Assembly bill (No. 687, Int. No. 636) entitled "An act to amend the Greater New York charter, in relation to the salaries of commissioners of parks," with a message that said mayor, and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. John F. Hylan, mayor of the city of New York, returning Assembly bill (No. 733, Int. No. 682) entitled "An act providing for an additional city magistrate's district in the borough of Queens, city of New York," with a message that said mayor, and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

The privileges of the floor were extended to Hon. H. J. Hinman and Hon. N. V. Fanchot.

On motion of Mr. Adler, the House adjourned.

SATURDAY, APRIL 24, 1920.

The House met pursuant to adjournment.

Prayer by Rev. Creighton R. Storey.

On motion of Mr. Adler, the reading of the journal of yesterday was dispensed with and the same was approved.

Mr. Speaker presented the special report on municipal accounts, which was laid upon the table and ordered printed.

(See Document.)

Also, the annual report of the institutions for the deaf, which was laid upon the table and ordered printed.

(See Document.)

Also, the Twenty-fifth Annual Report of the American Scenic and Historic Preservation Society, which was laid upon the table and ordered printed.

(See Document.)

Mr. Witter gives notice that he requests that the Assembly bill (No. 2232, Int. No. 1572) entitled "An act to amend the Agricultural Law, in relation to persons or corporations licensed to operate milk gathering stations," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. O. J. Smith gives notice that he requests that the Assembly bill (No. 1279, Int. No. 1126) entitled "An act to amend the New York City Municipal Court Code, in relation to the districts, justices and officers of such court," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Ross gives notice that he requests that the Assembly bill (No. 2062, Int. No. 1678) entitled "An act to provide for the expense of opening and extending New Utrecht avenue from Ninth avenue to Eighty-first street, in the borough of Brooklyn, city of New York," a copy of which is hereto annexed, be made a

special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. MacFarland gives notice that he requests that the Assembly bill (No. 1381, Int. No. 1216) entitled "An act to amend the Town Law, in relation to town charges in certain towns," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Hamill gives notice that he requests that the Assembly bill (No. 1679, Int. No. 1451) entitled "An act to provide for the expense of widening and extending Elm street in the borough of Manhattan, city of New York," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Forbell gives notice that he requests that the Assembly bill (No. 920, Int. No. 333) entitled "An act to authorize the laying out, opening and improvement of a public street in the borough of Brooklyn, in the city of New York, to connect Highland Park with Conduit avenue," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Everett gives notice that he requests that the Assembly bill (No. 2231, Int. No. 994) entitled "An act to amend chapter one hundred and forty-six of the Laws of nineteen hundred and seventeen, entitled 'An act making an appropriation to acquire lands for State park purposes within the forest preserve counties to carry out the provisions of chapter five hundred and sixty-nine of the Laws of nineteen hundred and sixteen, and providing the method for such acquisition,' as amended by chapter ten of the Laws of nineteen hundred and eighteen, in relation to the payment of moneys," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Doherty gives notice that he requests that the Assembly

bill (No. 1462, Int. No. 665) entitled "An act to amend the Greater New York charter, in relation to the composition of the police force," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Betts gives notice that he requests that the Assembly bill (No. 1692, Int. No. 1464) entitled "An act to amend the Penal Law, in relation to the giving of information concerning or carrying any person to any house of assignation or prostitution by the driver of any vehicle," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Donohue gives notice that he requests that the Senate bill introduced by Mr. Lynch (No. 1866, Rec. No. 763) entitled "An act to amend the Greater New York charter, in relation to improvements within the lines of and upon marginal wharves, streets or places," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Rowe gives notice that he requests that the Senate bill introduced by Mr. Knight (No. 984, Rec. No. 217) entitled "An act to amend the Penal Law, in relation to buying or receiving stolen or wrongfully acquired property," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Bloch gives notice that he requests that the Senate bill introduced by Mr. Kelly (No. 1686, Rec. No. 787) entitled "An act to amend the Education Law, in relation to the duties and salary of the librarian of the Appellate Division of the Supreme Court in the first judicial department," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Ullman gives notice that he requests that the Senate bill introduced by Mr. Kaplan (No. 2068, Rec. No. 695) entitled

"An act to amend the Inferior Criminal Courts Act of the City of New York, in relation to probation courts," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Hager gives notice that he requests that the Senate bill introduced by Mr. Lusk (No. 1887, Rec. No. 706) entitled "An act to amend the Code of Criminal Procedure, in relation to suspension of sentence," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Hager gives notice that he requests that the Senate bill introduced by Mr. Lusk (No. 1888, Rec. No. 705) entitled "An act to amend the Penal Law, in relation to suspension of sentence," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Slacer gives notice that he requests that the Senate bill introduced by Mr. Swift (No. 2200, Rec. No. 824) entitled "An act to amend chapter two hundred and seventeen of the Laws of nineteen hundred and fourteen, entitled 'An act to provide a charter for the city of Buffalo,' as amended, in relation to the compensation of special patrolmen," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Miss E. V. Gillette gives notice that she requests that the Senate bill introduced by Mr. Sage (No. 1998, Rec. No. 714) entitled "An act to amend the State Finance Law, in relation to State contracts," a copy of which is hereto annexed, be made a special order, and asks that her request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Adler gives notice that he requests that the Senate bill introduced by Mr. Sage (No. 123, Rec. No. 274) entitled "An act granting the consent of the State of New York to the occupation by the United States of a certain piece of land for lighthouse pur-

poses partly under water and partly rock or island on the east side of the Hudson river just south of Astor point, Barrytown, New York, and ceding jurisdiction over the same," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. McArdle gives notice that he requests that the Senate bill introduced by Mr. Russell (No. 1939, Rec. No. 613) entitled "An act to amend the Real Property Law, in relation to demands of increased rentals by certain persons," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Adler gives notice that he requests that the Senate bill introduced by Mr. Sage (No. 2221, Rec. No. 823) entitled "An act in relation to the diversion of water from Lake Erie, Niagara river and other boundary waters of the State for power purposes," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Cosgrove gives notice that he requests that the Senate bill introduced by Mr. Lynch (No. 2196, Rec. No. 820) entitled "An act to amend chapter five hundred and thirteen of the Laws of nineteen hundred and nine, entitled 'An act to make the office of the clerk of the county of Richmond a salaried office, and regulating the management of the said office,' in relation to the salary of such clerk," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Brady gives notice that he requests that the Senate bill introduced by Mr. Swift (No. 2087, Rec. No. 719) entitled "An act to amend the Business Corporations Law, in relation to co-operative corporations, generally," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Machold gives notice that he requests that the Senate bill introduced by Mr. Sage (No. 2125, Rec. No. 716) entitled "An act to amend the Military Law, with respect to State and municipal officers and employees absent on military or naval duty," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Wiswall gives notice that he requests that the Senate bill introduced by Mr. Sage (No. 1787, Rec. No. 525) entitled "An act to amend the Tax Law, in relation to tax appraiser in the county of Albany," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Gage gives notice that he requests that the Senate bill introduced by Mr. Knight (No. 2134, Rec. No. 698) entitled "An act to amend the Village Law, in relation to contracts for lighting," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Wiswall gives notice that he requests that the Senate bill introduced by Mr. Sage (No. 2073, Rec. No. 717) entitled "An act making appropriation for increased allowance to employees of State charitable and reformatory institutions reporting to the Fiscal Supervisor of State Charities," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Wiswall gives notice that he requests that the Senate bill introduced by Mr. Sage (No. 1161, Assembly Reprint No. 2175, Rec. No. 346) entitled "An act to amend the Civil Service Law, in relation to civil service examinations of persons in the employ of the State in the competitive class of the State civil service," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Wiswall gives notice that he requests that the Senate bill introduced by Mr. Sage (No. 2146, Rec. No. 715) entitled "An act to provide means for the support of government," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Witter gives notice that he requests that the Senate bill introduced by Mr. Lowman (No. 1993, Rec. No. 819) entitled "An act to confer jurisdiction on the Court of Claims to hear, audit and determine the claim of Ervin A. Mix against the State for damages alleged to have been sustained by him while in the employ of the State at the Binghamton State Hospital and to render judgment therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Hutchinson gives notice that he requests that the Senate bill introduced by Mr. Kasson (No. 2130, Rec. No. 816) entitled "An act to provide for the construction of a plate girder bridge, in place of the present bridge, over the Black River canal, at Main street, Port Leyden, and making an appropriation therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Schwab gives notice that he requests that the Senate bill introduced by Mr. McGarry (No. 1248, Rec. No. 607) entitled "An act providing for the laying out, opening and extending of Eliot avenue, in the borough of Queens, in the city of New York, through the lands of the Lutheran cemetery and Mount Olivet cemetery or either of them in said borough, along the line separating said cemeteries," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Donohue gives notice that he requests that the Senate bill introduced by Mr. Cotillo (No. 1912, Rec. No. 581) entitled "An act to amend the Greater New York charter, in relation to

the board of purchase," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Ullman gives notice that he requests that the Senate bill introduced by Mr. Downing (No. 683, Rec. No. 289) entitled "An act to amend the Greater New York charter, in relation to the issue of corporate stock notes," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Simpson gives notice that he requests that the Senate bill introduced by Mr. Carroll (No. 2035, Rec. No. 749) entitled "An act to amend chapter seven hundred and six of the Laws of nineteen hundred and one, entitled 'An act to make the office of register of the county of Kings a salaried office, and regulating the management of said office,' in relation to the salaries of the employees," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Jesse gives notice that he requests that the Senate bill introduced by Mr. Dodge (No. 1935, Rec. No. 633) entitled "An act to authorize the Adjutant-General to reopen the claim made by James Delehanty, late private, Twelfth Regiment Infantry, National Guard, to be placed on the roll of invalid pensioners of the State, and to grant a rehearing of the application made by said Delehanty to be placed on such roll," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. McGinnies gives notice that he requests that the Senate bill introduced by Mr. Abeles (No. 1882, Rec. No. 810) entitled "An act to amend the General Municipal Law, in relation to the power of the State Comptroller to examine the accounts of school authorities," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Mead gives notice that he requests that the Senate bill introduced by Mr. Baumes (No. 1093, Rec. No. 675) entitled "An act providing for the assessment and taxation of lands owned or hereafter purchased by the Commissioners of the Palisades Interstate Park and situated in the towns of Woodbury, Tuxedo, Highlands and Cornwall in the county of Orange," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Taylor gives notice that he requests that the Senate bill introduced by Mr. Black (No. 2085, Rec. No. 811) entitled "An act to amend the General City Law, in relation to the retirement from active service of certain city employees," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Taylor gives notice that he requests that the Senate bill introduced by Mr. Black (No. 643, Rec. No. 577) entitled "An act to authorize the board of assessors of the city of New York to make awards for damages caused by the change of grade of Atlantic avenue, Brooklyn," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Donohue gives notice that he requests that the Senate bill introduced by Mr. Boylan (No. 1898, Rec. No. 812) entitled "An act to authorize the revision of certain contracts heretofore let by the Commission on New Prisons," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Gardner gives notice that he requests that the Senate bill introduced by Mr. Towner (No. 1678, Rec. No. 621) entitled "An act to amend the Insurance Law, in relation to the merger or consolidation of fire and marine insurance corporations," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Bloch gives notice that he requests that the Senate bill introduced by Mr. Dowling (No. 2093, Rec. No. 814) entitled "An act to amend chapter four hundred and fourteen of the Laws of nineteen hundred and thirteen, entitled 'An act to amend chapter one hundred and forty-seven of the Laws of eighteen hundred and seventy-six, entitled "An act granting to the United States the right to acquire the right of way necessary for the improvement of the Harlem river and Spuyten Duyvil creek from the North river to the East river through the Harlem kills, and ceding jurisdiction over the same," in relation to enabling the State to furnish the United States the right of way necessary for rectification of the bend in the Harlem river ship canal, and making an appropriation therefor,' and making an appropriation to carry out the provisions of chapter one hundred and forty-seven of the Laws of eighteen hundred and seventy-six, as amended," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Martin gives notice that he requests that the Senate bill introduced by Mr. Davenport (No. 2151, Rec. No. 745) entitled "An act to provide for the construction of a bridge over the Black River canal, in the town of Western, Oneida county, to take the place of the Hall Farm bridge, and making an appropriation therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Martin gives notice that he requests that the Senate bill introduced by Mr. Davenport (No. 2150, Rec. No. 746) entitled "An act to provide for the construction of a bridge over the Black River canal in the town of Boonville, Oneida county, to take the place of Baker bridge, and making an appropriation therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Martin gives notice that he requests that the Senate bill

introduced by Mr. Davenport (No. 2149, Rec. No. 747) entitled "An act to provide for the construction of a bridge over the Black River canal, in the town of Boonville, Oneida county, to take the place of Diefendorf or Tharatt bridge, and making an appropriation therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Martin gives notice that he requests that the Senate bill introduced by Mr. Davenport (No. 2148, Rec. No. 748) entitled "An act to provide for the construction of a bridge over the Black river at Stanwix street, Rome, and making an appropriation therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Lee gives notice that he requests that the Senate bill introduced by Mr. Davenport (No. 1940, Rec. No. 791) entitled "An act making an appropriation for The American Seamen's Friend Society of the City of New York," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Martin gives notice that he requests that the Senate bill introduced by Mr. Davenport (No. 2152, Rec. No. 744) entitled "An act to provide for the construction of a bridge over the Black River canal, in the town of Western, Oneida county, to take the place of the Hillside Change bridge, and making an appropriation therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. MacFarland gives notice that he requests that the Senate bill introduced by Mr. Ferris (No. 2022, Rec. No. 690) entitled "An act to provide for the construction of a bridge over the Glens Falls fæder of the Champlain canal with the necessary approaches and abutments at a point about one mile east of the

city of Glens Falls, and making an appropriation therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Kelly gives notice that he requests that the Senate bill introduced by Mr. Farrell (No. 1716, Rec. No. 793) entitled "An act to confer jurisdiction on the Court of Claims to hear, audit and determine the alleged claim of Nat W. Herman against the State for an allowance alleged to be due him by reason of service in the New York State Nautical School," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Brady gives notice that he requests that the Senate bill introduced by Mr. Gibbs (No. 1759, Rec. No. 483) entitled "An act to amend the Tax Law, in relation to the salary of a transfer tax clerk in Erie county," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Wells gives notice that he requests that the Senate bill introduced by Mr. Karle (No. 1268, Rec. No. 794) entitled "An act to amend the Judiciary Law, in relation to retirement of employees by the Appellate Division of the second department," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Gempler gives notice that he requests that the Senate bill introduced by Mr. Russell (No. 781, Rec. No. 770) entitled "An act to amend the Greater New York charter, in relation to assessments for construction of sewer systems," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Martin gives notice that he requests that the Senate bill introduced by Mr. Lusk (No. 2047, Rec. No. 667) entitled "An

act to amend the Education Law, in relation to teachers of foreign born and native adults and minors over sixteen years of age, and making an appropriation for expenses," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Martin gives notice that he requests that the Senate bill introduced by Mr. Lusk (No. 2091, Rec. No. 707) entitled "An act to amend the Education Law, in relation to providing for educational extension facilities for foreign born and native adults and minors over the age of sixteen years, relating to the employment of teachers, the payment of their compensation, and making an appropriation for expenses," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Everett gives notice that he requests that the Senate bill introduced by Mr. Marshall (No. 2016, Rec. No. 764) entitled "An act to authorize the State Commissioner of Education to acquire certain real property in the village of Hogansburg, Franklin county, for an Indian school in connection with the Saint Regis Indian Reservation, and making an appropriation therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. McArdle gives notice that he requests that the Senate bill introduced by Mr. Russell (No. 1669, Rec. No. 797) entitled "An act to amend the Greater New York charter, in relation to leaves of absence in the police force," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Donohue gives notice that he requests that the Senate bill introduced by Mr. Russell (No. 1649, Rec. No. 768) entitled "An act to amend chapter three hundred and sixty of the Laws of nineteen hundred and eleven, entitled 'An act to promote the health and efficiency of policemen in cities of the first and second

class,' in relation to the application of said act to the traffic squad in the city of New York," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. McArdle gives notice that he requests that the Senate bill introduced by Mr. Russell (No. 1648, Rec. No. 769) entitled "An act to amend the Greater New York charter, in relation to authorizing the property clerk of the police department of the city of New York to destroy certain property," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Jacobs gives notice that he requests that the Senate bill introduced by Mr. Walton (No. 2075, Rec. No. 803) entitled "An act to amend the Code of Civil Procedure, in relation to bringing in parties in proceedings before the Court of Claims or a referee on account of appropriation of land by the State," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Everett gives notice that he requests that the Senate bill introduced by Mr. G. L. Thompson (No. 134, Rec. No. 426) entitled "An act to amend the Town Law, in relation to preventing and fighting forest fires," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Wiswall gives notice that he requests that the Senate bill introduced by Mr. Sage (No. 2020, Rec. No. 713) entitled "An act making appropriations from the general fund for the continuation of terminal construction work on the Barge canal," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Jeffery gives notice that he requests that the Senate bill introduced by Mr. G. F. Thompson (No. 1607, Rec. No. 526) entitled "An act to amend the Conservation Law, in relation to

civil service examinations for game protectors," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Jeffery gives notice that he requests that the Senate bill introduced by Mr. G. F. Thompson (No. 1927, Rec. No. 775) entitled "An act to amend the charter of the city of Lockport, providing for the appointment of one assessor instead of two," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Jeffery gives notice that he requests that the Senate bill introduced by Mr. G. F. Thompson (No. 2015, Rec. No. 721) entitled "An act to amend the Judiciary Law, in relation to compensation of stenographer of county court of Niagara county," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Jeffery gives notice that he requests that the Senate bill introduced by Mr. G. F. Thompson (No. 2014, Rec. No. 722) entitled "An act to amend the Election Law, in relation to compensation of deputy commissioner of elections in Niagara county," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Jacobs gives notice that he requests that the Senate bill introduced by Mr. Walton (No. 2074, Rec. No. 804) entitled "An act to amend the Code of Civil Procedure, in relation to disposition of amounts awarded by Court of Claims," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Fearon gives notice that he requests that the Senate bill introduced by Mr. Walters (No. 2168, Rec. No. 802) entitled "An act to amend chapter one hundred and seventy-eight of the

Laws of nineteen hundred and nineteen, entitled 'An act to provide for the acquisition of lands and the construction of a tunnel or tunnels jointly with the State of New Jersey, for vehicular and pedestrian traffic under the Hudson river and between the States of New York and New Jersey, and making an appropriation therefor,' in relation to altering existing streets and changing the grade of existing streets and subsurface structures," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Judson gives notice that he requests that the Senate bill introduced by Mr. Davenport (No. 1990, Rec. No. 684) entitled "An act to amend the Tax Law, in relation to deductions in computing net income with respect to income taxes," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. S. B. Van Wagenen gives notice that he requests that the Senate bill introduced by Mr. Walton (No. 2080, Rec. No. 783) entitled "An act to amend chapter thirty-one of the Laws of eighteen hundred and sixty-one, entitled 'An act to authorize the election of a police justice in the town of Saugerties, Ulster county,' in relation to declaring certain offenses within the town misdemeanors, and providing for their punishment," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Fearon gives notice that he requests that the Senate bill introduced by Mr. Walton (No. 2197, Rec. No. 830) entitled "An act to amend the Election Law, in relation to the time for holding the fall primary, and to supplement provisions of such law relating to nominations of justices of the Supreme Court," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Miss M. L. Smith gives notice that she requests that the Senate

bill introduced by Mr. Walton (No. 2104, Rec. No. 831) entitled "An act to create a commission to examine laws relating to child welfare, investigate their effect and propose remedial legislation in relation thereto, and making an appropriation for the expenses of the commission," a copy of which is hereto annexed, be made a special order, and asks that her request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Long gives notice that he requests that the Senate bill introduced by Mr. Walton (No. 2190, Rec. No. 832) entitled "An act to amend the Education Law, in relation to salary of Supreme Court librarian at Delhi," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Betts gives notice that he requests that the Senate bill introduced by Mr. Walton (No. 2212, Rec. No. 625) entitled "An act to amend the Code of Civil Procedure, in relation to fees of printers," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Donohue gives notice that he requests that the Senate bill introduced by Mr. Walker (No. 2081, Rec. No. 801) entitled "An act to amend the Greater New York charter, in relation to the issuance of certificates of indebtedness in the year nineteen hundred and twenty," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Fearon gives notice that he requests that the Senate bill introduced by Mr. Walters (No. 2198, Rec. No. 829) entitled "Concurrent resolution of the Senate and Assembly proposing an amendment to section two of article twelve of the Constitution, in relation to city bills," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Fearon gives notice that he requests that the Senate bill introduced by Mr. Walters (No. 2201, Rec. No. 828) entitled "An act to repeal article seventeen of the Election Law, relating to special provisions for the year nineteen hundred and eighteen," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Blodgett gives notice that he requests that the Senate bill introduced by Mr. Yelverton (No. 1851, Rec. No. 785) entitled "An act waiving all right, title and interest of the State of New York arising by escheat or otherwise, to the estate of Patrick Hughes, a former resident of this State, in favor of Winifred Higgins," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Thayer gives notice that he requests that the concurrent resolution providing for the purchase of 3,000 copies of the Legislative Manual for 1920, a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said resolution a special order.

The Senate sent for concurrence the following entitled bills:

"An act to amend the General Municipal Law, in relation to the power of the State Comptroller to examine the accounts of school authorities" (No. 1882, Rec. No. 810), which was read the first time and referred to the committee on general laws.

"An act to amend the General City Law, in relation to the retirement from active service of certain city employees" (No. 2085, Rec. No. 811), which was read the first time and referred to the committee on affairs of cities.

"An act to authorize the revision of certain contracts heretofore let by the Commission on New Prisons" (No. 1898, Rec. No. 812), which was read the first time and referred to the committee on ways and means.

"An act to amend the Election Law, in relation to primary day" (No. 2224, Rec. No. 813), which was read the first time and referred to the committee on the judiciary.

"An act to amend chapter four hundred and fourteen of the Laws of nineteen hundred and thirteen, entitled 'An act to amend chapter one hundred and forty-seven of the Laws of eighteen hundred and seventy-six, entitled "An act granting to the United States the right to acquire the right of way necessary for the improvement of the Harlem river and Spuyten Duyvil creek from the North river to the East river through the Harlem kills, and ceding jurisdiction over the same," in relation to enabling the State to furnish the United States the right of way necessary for rectification of the bend in the Harlem river ship canal, and making an appropriation therefor,' and making an appropriation to carry out the provisions of chapter one hundred and forty-seven of the Laws of eighteen hundred and seventy-six, as amended" (No. 2093, Rec. No. 814), which was read the first time and referred to the committee on ways and means.

"An act to create a commission to represent the State of New York at hearings before the International Joint Commission on Boundary Waters created under and by virtue of article nine of the convention concluded on January eleventh, nineteen hundred and nine, between the United States and the Dominion of Canada, and making an appropriation therefor" (No. 2208, Rec. No. 815), which was read the first time and referred to the committee on ways and means.

"An act to provide for the construction of a plate girder bridge, in place of the present bridge, over the Black River canal, at Main street, Port Leyden, and making an appropriation therefor" (No. 2130, Rec. No. 816), which was read the first time and referred to the committee on ways and means.

"An act to amend the Inferior Criminal Courts Act of the City of New York, in relation to imposition and collection of fines in the magistrates' and special sessions courts" (No. 2180, Rec. No. 817), which was read the first time and referred to the committee on affairs of cities.

"An act to amend the County Law, in relation to coroners in Westchester county" (No. 2248, Rec. No. 818), which was read the first time and referred to the committee on internal affairs.

"An act to confer jurisdiction on the Court of Claims to hear, audit and determine the claim of Ervin A. Mix against the State

for damages alleged to have been sustained by him while in the employ of the State at the Binghamton State Hospital, and to render judgment therefor" (No. 1993, Rec. No. 819), which was read the first time and referred to the committee on claims.

"An act to amend chapter five hundred and thirteen of the Laws of nineteen hundred and nine, entitled 'An act to make the office of the clerk of the county of Richmond a salaried office, and regulating the management of the said office,' in relation to the salary of such clerk" (No. 2196, Rec. No. 820), which was read the first time and referred to the committee on internal affairs.

"An act to amend the Labor Law, in relation to the hours of labor of minors" (No. 68, Rec. No. 821), which was read the first time and referred to the committee on labor and industries.

"An act to amend chapter eight hundred and thirty-four of the Laws of eighteen hundred and sixty-nine, entitled 'An act to amend the act incorporating the village of Carthage, in the county of Jefferson,' in relation to the clerk and collector of such village" (No. 2195, Rec. No. 822), which was read the first time and referred to the committee on affairs of villages.

"An act in relation to the diversion of water from Lake Erie, Niagara river and other boundary waters of the State for power purposes" (No. 2221, Rec. No. 823), which was read the first time and referred to the committee on ways and means.

"An act to amend chapter two hundred and seventeen of the Laws of nineteen hundred and fourteen, entitled 'An act to provide a charter for the city of Buffalo, as amended, in relation to the compensation of special patrolmen" (No. 2200, Rec. No. 824), which was read the first time and referred to the committee on affairs of cities.

"An act to amend chapter five hundred and thirty of the Laws of nineteen hundred and sixteen, entitled 'An act to provide a charter for the city of Niagara Falls,' in relation to the acquisition and maintenance of a municipal plant for the manufacture, sale and distribution of illuminating gas" (No. 2019, Rec. No. 825), which was read the first time and referred to the committee on affairs of cities.

"An act making an appropriation for expenses heretofore incurred for repairs at and maintenance of the State Farm for

Women at Valatie" (No. 2213, Rec. No. 826), which was read the first time and referred to the committee on ways and means.

"An act making an additional appropriation for the construction of a tunnel or tunnels jointly with the State of New Jersey, for vehicular and pedestrian traffic under the Hudson river and between the States of New York and New Jersey" (No. 2182, Rec. No. 827), which was read the first time and referred to the committee on ways and means.

"An act to repeal article seventeen of the Election Law, relating to special provisions for the year nineteen hundred and eighteen" (No. 2201, Rec. No. 828), which was read the first time and referred to the committee on the judiciary.

"Concurrent resolution of the Senate and Assembly proposing an amendment to section two of article twelve of the Constitution, in relation to city bills" (No. 2198, Rec. No. 829), which was read the first time and referred to the committee on the judiciary.

"An act to amend the Election Law, in relation to the time for holding the fall primary, and to supplement provisions of such law relating to nominations of justices of the Supreme Court" (No. 2197, Rec. No. 830), which was read the first time and referred to the committee on the judiciary.

"An act to create a commission to examine laws relating to child welfare, investigate their effect and propose remedial legislation in relation thereto, and making an appropriation for the expenses of the commission" (No. 2104, Rec. No. 831), which was read the first time and referred to the committee on ways and means.

"An act to amend the Education Law, in relation to salary of Supreme Court librarian at Delhi" (No. 2190, Rec. No. 832), which was read the first time and referred to the committee on public education.

"An act to amend the Greater New York charter, in relation to the powers of the retirement board in the board of education" (No. 1677, Rec. No. 833), which was read the first time and referred to the committee on affairs of cities.

"An act in relation to the salary of the district attorney of the

county of Kings" (No. 2062, Rec. No. 834), which was read the first time and referred to the committee on internal affairs.

"An act to amend the Agricultural Law, in relation to adulterated vinegar" (No. 1387, Rec. No. 835), which was read the first time and referred to the committee on agriculture.

"An act to enable the Board of Regents of the University of the State of New York to certify to the Board of Law Examiners applicants for admission to the bar" (No. 1024, Rec. No. 836), which was read the first time and referred to the committee on the judiciary.

"An act authorizing the board of estimate and apportionment of the city of New York to pay the claim of Mary J. McNamara for damages to rental property caused by the construction of a subway in such city" (No. 1591, Rec. No. 837), which was read the first time and referred to the committee on affairs of cities.

"An act to amend the General Municipal Law, in relation to acquisition of lands and erection of memorial buildings in commemoration of the services of soldiers, sailors and marines in the World War" (No. 2231, Rec. No. 838), which was read the first time and referred to the committee on ways and means.

"An act to amend the Public Health Law, in relation to the department of narcotic drug control" (No. 1922, Rec. No. 839), which was read the first time and referred to the committee on public health.

"An act to amend chapter one hundred and fifty-four of the Laws of nineteen hundred and twenty, entitled 'An act making an appropriation for the State's share of the cost of construction and improvement of rural post roads within the State under the provisions of certain acts of Congress which provide that the United States shall aid in the construction of rural post roads and for other purposes, to be expended in accordance with article six-a of the Highway Law,' in relation to the provisions affecting the elimination or alteration of certain grade crossings" (No. 2254, Rec. No. 840), which was read the first time and referred to the committee on ways and means.

"An act making an appropriation for an exhibit of agriculture and dairying at the New York Milk and Child Health Exposition to be held at New York city" (No. 2210, Rec. No. 841), which was read the first time and referred to the committee on ways and means.

"An act to amend the Tax Law, in relation to tax appraisers in the county of New York" (No. 527, Rec. No. 842), which was read the first time and referred to the committee on taxation and retrenchment.

"An act to amend the Judiciary Law, in relation to the appointment and the salaries of the employees of the Appellate Division of the Supreme Court in the first judicial department" (No. 2183, Rec. No. 843), which was read the first time and referred to the committee on the judiciary.

"An act to amend the Highway Law, in relation to motor vehicles, chauffeurs and operators, and penalties for violations of provisions relating to motor vehicles" (No. 2223, Rec. No. 844), which was read the first time and referred to the committee on internal affairs.

"An act to amend the Education Law, in relation to free textbooks and supplies in cities and school districts" (No. 2189, Rec. No. 845), which was read the first time and referred to the committee on public education.

"An act to amend the Labor Law, in relation to one day of rest in seven" (No. 2233, Rec. No. 846), which was read the first time and referred to the committee on labor and industries.

"An act authorizing the police commissioner of the city of New York to rehear the charges upon which George S. Riley was dismissed from the police department of such city and to reinstate him in the position formerly held by him" (No. 2220, Rec. No. 847), which was read the first time and referred to the committee on affairs of cities.

"An act to amend an act entitled 'An act providing for the laying out, opening and improving of one or more public streets or boulevards across Jamaica bay, from the bulkhead line on the northerly side thereof to the bulkhead line on the southerly side thereof in the city of New York, and for defraying the cost of

such improvement,' and known as chapter five hundred and thirty-eight of the Laws of nineteen hundred and eighteen, so as to provide for the amendment of the map or plan of said street or boulevard and for the authorization of the construction thereof without action by any local board of the city of New York" (No. 1017, Rec. No. 848), which was read the first time and referred to the committee on affairs of cities.

"An act authorizing the construction of Barge canal grain terminals at Gowanus bay, in the city of New York, and at Oswego, and making appropriation therefor" (No. 2227, Rec. No. 849), which was read the first time and referred to the committee on ways and means.

"An act to amend chapter six hundred and twenty-four of the Laws of nineteen hundred and seventeen, entitled 'An act to authorize cities to determine, by their qualified electors, that trafficking in liquors therein shall be prohibited in whole or in part, constituting chapter sixty-eight of the Consolidated Laws,' in relation to traffic in certain non-intoxicating beverages, and otherwise adapting the provisions of such chapter to conform to the Eighteenth Amendment to the Constitution of the United States" (No. 1038, Rec. No. 850), which was read the first time and referred to the committee on excise.

"An act prohibiting the manufacture, sale, transportation, importation, and exportation of intoxicating liquors for beverage purposes, providing a penalty therefor, in relation to traffic in certain non-intoxicating beverages, and amending the Liquor Tax Law and adapting the provisions of such chapter to conform to the Eighteenth Amendment to the Constitution of the United States" (No. 921, Rec. No. 851), which was read the first time and referred to the committee on excise.

"An act to amend the Education Law, relative to salaries of teachers and employees and providing State aid for the payment thereof" (No. 2207, Rec. No. 852), which was read the first time.

On motion of Mr. Donohue, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: THEREFORE, in accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 1686, Printed No. 2207) as amended, introduced by Mr. Lockwood, entitled "An act to amend the Education Law, relative to salaries of teachers and employees and providing State aid for payment thereof."

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany, this 23d day of
[L. s.] April, in the year of our Lord one thousand nine hundred and twenty.

ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,

Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan

Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	Van Wagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

“An act making an appropriation for certain expenses incurred by the Public Service Commission of the first district in defense of the constitutionality of certain statutes” (No. 1730, Rec. No. 853), which was read the first time and referred to the committee on ways and means.

“An act to amend the Greater New York charter, in relation to retirement from active service of officers, clerks and employees” (No. 1785, Rec. No. 854), which was read the first time and referred to the committee on affairs of cities.

“An act to provide for the retirement of and granting a pension to Maria E. Hatfield, by the city of New York, she having been in the employ of the city, in connection with its courts, for upwards of twenty-five years” (No. 347, Rec. No. 855), which was read the first time and referred to the committee on affairs of cities.

“An act to amend the Greater New York charter, establishing the office of chief clerk to the municipal court of such city and defining his duties” (No. 2038, Rec. No. 856), which was read the first time and referred to the committee on affairs of cities.

“An act to amend the Greater New York charter, in relation to issuing certificates of indebtedness for the payment of certain school expenses” (No. 2265, Rec. No. 857), which was read the first time and referred to the committee on affairs of cities.

“An act to amend the Insanity Law, in relation to the transfer

of prisoners in State prisons, reformatories and penitentiaries to Dannemora State Hospital" (No. 2234, Rec. No. 858), which was read the first time and referred to the committee on the judiciary.

"An act to amend chapter one hundred and ten of the Laws of eighteen hundred and nineteen, entitled 'An act to incorporate the General Synod of the Reformed Protestant Dutch Church,' generally" (No. 2069, Rec. No. 859), which was read the first time and referred to the committee on the judiciary.

"An act to amend the Executive Law, in relation to the salaries of certain State officials" (No. 2235, Rec. No. 860), which was read the first time and referred to the committee on ways and means.

"An act to amend the Public Service Commissions Law, in relation to railroads operating within Barge canal terminals" (No. 1532, Rec. No. 861), which was read the first time and referred to the committee on the judiciary.

"An act to amend the charter of the city of Buffalo, in relation to members of the police and fire departments of said city" (No. 2230, Rec. No. 862), which was read the first time and referred to the committee on affairs of cities.

"An act to amend the Public Service Commissions Law, in relation to by-product gas" (No. 2160, Rec. No. 863), which was read the first time and referred to the committee on the judiciary.

"An act to amend the Conservation Law, in relation to the appropriation of real property" (No. 1707, Rec. No. 864), which was read the first time and referred to the committee on conservation.

"An act to amend the Judiciary Law, in relation to the admission of certain persons to practice as attorneys and counselors-at-law without examination" (No. 716, Rec. No. 865), which was read the first time and referred to the committee on the judiciary.

"An act to incorporate the National Guard Memorial Association" (No. 2226, Rec. No. 866), which was read the first time and referred to the committee on the judiciary.

"An act to confer jurisdiction on the Court of Claims to hear, audit and determine the alleged claims of Amelio Di Pasquale and John D. Watkins against the State for damages to property

alleged to have been sustained during the flood of the Mohawk river in the year nineteen hundred and eighteen" (No. 2032, Rec. No. 867), which was read the first time and referred to the committee on claims.

"An act to confer jurisdiction on the Court of Claims to hear, audit and determine the alleged claims of Antoinette De Marco and Amelio Di Pasquale against the State for damages to property alleged to have been sustained during the flood of the Mohawk river in the year nineteen hundred and sixteen" (No. 2033, Rec. No. 868), which was read the first time and referred to the committee on claims.

"Concurrent resolution of the Senate and Assembly proposing an amendment to section eighteen of article six of the Constitution, in relation to children's courts and courts of domestic relations" (No. 2052, Rec. No. 869), which was read the first time and referred to the committee on the judiciary.

"Concurrent resolution of the Senate and Assembly proposing an amendment to section eleven of article eight of the Constitution, in relation to the State Board of Charities, the State Commission in Lunacy and the State Commission or Commissioners on Mental Hygiene" (No. 1777, Rec. No. 870), which was read the first time and referred to the committee on the judiciary.

"Concurrent resolution of the Senate and Assembly proposing amendments to article five of the Constitution, in relation to State officers and departments" (No. 2264, Rec. No. 871), which was read the first time and referred to the committee on the judiciary.

"Concurrent resolution of the Senate and Assembly proposing amendments to article five of the Constitution, in relation to State officers and departments" (No. 2252, Rec. No. 872), which was read the first time and referred to the committee on the judiciary.

"Concurrent resolution of the Senate and Assembly proposing amendments to article five of the Constitution, in relation to State officers and departments" (No. 2263, Rec. No. 873), which was read the first time and referred to the committee on the judiciary.

"An act making appropriation for the payment of contingent expenses of the State Department of Excise" (No. 2268, Rec. No. 874), which was read the first time and referred to the committee on ways and means.

"An act to amend the Greater New York charter, in relation to wharfage and dockage rates" (No. 1666, Rec. No. 875), which was read the first time and referred to the committee on affairs of cities.

"An act authorizing the police commissioner of the city of New York to allow to Joseph Devlin, a member of the uniformed force of the police department, the time between his dismissal and subsequent reinstatement to be applied on his time of service in the department" (No. 1782, Rec. No. 876), which was read the first time and referred to the committee on affairs of cities.

"An act to amend the Education Law, in relation to industrial teachers' scholarships, and making an appropriation therefor" (No. 2266, Rec. No. 877), which was read the first time and referred to the committee on public education.

Mr. Speaker, from the committee on rules, to which was referred Assembly bill introduced by Mr. Witter (No. 2232, Int. No. 1572) entitled "An act to amend the Agricultural Law, in relation to persons or corporations licensed to operate milk gathering stations," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Blakely, Fearon, Donohue, Taylor.

Also, Assembly bill introduced by Mr. O. J. Smith (No. 1279, Int. No. 1126) entitled "An act to amend the New York City Municipal Court Code, in relation to the districts, justices and officers of such court," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Blakely, Fearon, Donohue, Taylor.

Also, Assembly bill introduced by Mr. Ross (No. 2062, Int. No. 1678) entitled "An act to provide for the expense of opening and extending New Utrecht avenue from Ninth avenue to Eighty-first street, in the borough of Brooklyn, city of New York," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Blakely, Fearon, Donohue, Taylor.

Also, Assembly bill introduced by Mr. MacFarland (No. 1381, Int. No. 1216) entitled "An act to amend the Town Law, in relation to town charges in certain towns," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Blakely, Donohue, Taylor. In the negative: Mr. Fearon.

Also, Assembly bill introduced by Mr. Hamill (No. 1679, Int. No. 1451) entitled "An act to provide for the expense of widening and extending Elm street in the borough of Manhattan, city of New York," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Blakely, Fearon, Donohue, Taylor.

Also, Assembly bill introduced by Mr. Forbell (No. 920, Int. No. 333) entitled "An act to authorize the laying out, opening and improvement of a public street in the borough of Brooklyn, in the city of New York, to connect Highland Park with Conduit avenue," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Blakely, Fearon, Donohue, Taylor.

Also, Assembly bill introduced by Mr. Everett (No. 2231, Int. No. 994) entitled "An act to amend chapter one hundred and forty-six of the Laws of nineteen hundred and seventeen, entitled 'An act making an appropriation to acquire lands for State park purposes within the forest preserve counties to carry out the provisions of chapter five hundred and sixty-one of the Laws of nineteen hundred and sixteen, and providing the method for such acquisition,' as amended by chapter ten of the Laws of nineteen hundred and eighteen, in relation to the payment of moneys," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Assembly bill introduced by Mr. Doherty (No. 1462, Int. No. 665) entitled "An act to amend the Greater New York charter, in relation to the composition of the police force," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon. Those who voted in the negative were: Messrs. Donohue, Taylor.

Also, Assembly bill introduced by Mr. Betts (No. 1692, Int. No. 1464) entitled "An act to amend the Penal Law, in relation to the giving of information concerning or carrying any person to any house of assignation or prostitution by the driver of any vehicle," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Machold, Fearon, Donohue, Taylor.

and that the same be made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported, which report was agreed to and said bills ordered made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported.

Mr. Speaker, from the committee on rules, to which was referred Senate bill introduced by Mr. Lynch (No. 1866, Rec. No. 763) entitled "An act to amend the Greater New York charter, in relation to improvements within the lines of and upon marginal wharves, streets or places," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Knight (No. 984, Rec. No. 217) entitled "An act to amend the Penal Law, in relation to buying or receiving stolen or wrongfully acquired property," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Kelly (No. 1686, Rec. No. 787) entitled "An act to amend the Education Law, in relation to the duties and salary of the librarian of the Appellate Division of the Supreme Court in the first judicial department," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Kaplan (No. 2068, Rec. No. 695) entitled "An act to amend the Inferior Criminal Courts Act of the City of New York, in relation to probation courts," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Lusk (No. 1887, Rec. No. 706) entitled "An act to amend the Code of Criminal Procedure, in relation to suspension of sentence," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Lusk (No. 1888, Rec. No. 705) entitled "An act to amend the Penal Law, in relation to suspension of sentence," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Swift (No. 2200, Rec. No. 824) entitled "An act to amend chapter two hundred and seventeen of the Laws of nineteen hundred and fourteen, entitled 'An act to provide a charter for the city of Buffalo,' as amended, in relation to the compensation of special patrolmen," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Sage (No. 1998, Rec. No. 714) entitled "An act to amend the State Finance Law, in relation to State contracts," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Sage (No. 123, Rec. No. 274) entitled "An act granting the consent of the State of New York to the occupation by the United States of a certain piece of land for lighthouse purposes partly under water and partly rock or island on the east side of the Hudson river just south of Astor

Point, Barrytown, New York, and ceding jurisdiction over the same," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Russell (No. 1939, Rec. No. 613) entitled "An act to amend the Real Property Law, in relation to demands of increased rentals by certain persons," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Sage (No. 2221, Rec. No. 823) entitled "An act in relation to the diversion of water from Lake Erie, Niagara river and other boundary waters of the State for power purposes," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Lynch (No. 2196, Rec. No. 820) entitled "An act to amend chapter five hundred and thirteen of the Laws of nineteen hundred and nine, entitled 'An act to make the office of the clerk of the county of Richmond a salaried office, and regulating the management of the said office,' in relation to the salary of such clerk," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Swift (No. 2087, Rec. No. 719) entitled "An act to amend the Business Corporations Law, in relation to co-operative corporations, generally," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Sage (No. 2125, Rec. No. 716) entitled "An act to amend the Military Law, with respect to State and municipal officers and employees absent on military or naval duty," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Sage (No. 1787, Rec. No. 525) entitled "An act to amend the Tax Law, in relation to tax appraiser in the county of Albany," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Knight (No. 2134, Rec. No. 698) entitled "An act to amend the Village Law, in relation to contracts for lighting," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Sage (No. 2073, Rec. No. 717) entitled "An act making appropriation for increased allowance to employees of State charitable and reformatory institutions reporting to the Fiscal Supervisor of State Charities," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Sage (No. 1161, Assembly Reprint No. 2175, Rec. No. 346) entitled "An act to amend the Civil Service Law, in relation to civil service examinations of persons in the employ of the State in the competitive class of the State civil service," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Sage (No. 2146, Rec. No. 715) entitled "An act to provide means for the support of government," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Lowman (No. 1993, Rec. No. 819) entitled "An act to confer jurisdiction on the Court of Claims to hear, audit and determine the claim of Ervin A.

Mix against the State for damages alleged to have been sustained by him while in the employ of the State at the Binghamton State Hospital, and to render judgment therefor," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Kasson (No. 2130, Rec. No. 816) entitled "An act to provide for the construction of a plate girder bridge, in place of the present bridge, over the Black River canal, at Main street, Port Leyden, and making an appropriation therefor," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. McGarry (No. 1248, Rec. No. 607) entitled "An act providing for the laying out, opening and extending of Eliot avenue, in the borough of Queens, in the city of New York through the lands of the Lutheran cemetery and the Mount Olivet cemetery or either of them in said borough, along the line separating said cemeteries," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Cotillo (No. 1912, Rec. No. 581) entitled "An act to amend the Greater New York charter, in relation to the board of purchase," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Downing (No. 683, Rec. No. 289) entitled "An act to amend the Greater New York charter, in relation to the issue of corporate stock notes," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Carroll (No. 2035, Rec. No. 749) entitled "An act to amend chapter seven hundred and six of the Laws of nineteen hundred and one, entitled 'An act

to make the office of register of the county of Kings a salaried office, and regulating the management of said office,' in relation to the salaries of the employees," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Dodge (No. 1935, Rec. No. 633) entitled "An act to authorize the Adjutant-General to reopen the claim made by James Delehanty, late private Twelfth Regiment Infantry, National Guard, to be placed on the roll of invalid pensioners of the State, and to grant a rehearing of the application made by said Delehanty to be placed on such roll," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Abeles (No. 1882, Rec. No. 810) entitled "An act to amend the General Municipal Law, in relation to the power of the State Comptroller to examine the accounts of school authorities," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Baumes (No. 1093, Rec. No. 675) entitled "An act providing for the assessment and taxation of lands owned or hereafter purchased by the Commissioners of the Palisades Interstate Park and situated in the towns of Woodbury, Tuxedo, Highlands and Cornwall in the county of Orange," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Black (No. 2085, Rec. No. 811) entitled "An act to amend the General City Law, in relation to the retirement from active service of certain city employees," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Black (No. 643, Rec. No. 577) entitled "An act to authorize the board of assessors of the city of New York to make awards for damages caused by the change of grade of Atlantic avenue, Brooklyn," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Boylan (No. 1898, Rec. No. 812) entitled "An act to authorize the revision of certain contracts heretofore let by the Commission on New Prisons," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Towner (No. 1678, Rec. No. 621) entitled "An act to amend the Insurance Law, in relation to the merger or consolidation of fire and marine insurance corporations," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Dowling (No. 2093, Rec. No. 814) entitled "An act to amend chapter four hundred and fourteen of the Laws of nineteen hundred and thirteen, entitled 'An act to amend chapter one hundred and forty-seven of the laws of eighteen hundred and seventy-six, entitled 'An act granting to the United States the right to acquire the right of way necessary for the improvement of the Harlem river and Spuyten Duyvil creek from the North river to the East river through the Harlem kills, and ceding jurisdiction over the same,' in relation to enabling the State to furnish the United States the right of way necessary for rectification of the bend in the Harlem river ship canal, and making an appropriation therefor,' and making an appropriation to carry out the provisions of chapter one hundred and forty-seven of the Laws of eighteen hundred and seventy-six, as amended," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Davenport (No. 2151, Rec. No. 745) entitled "An act to provide for the construction of a bridge over the Black River canal, in the town of Western, Oneida county, to take the place of the Hall Farm bridge, and making an appropriation therefor," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Davenport (No. 2150, Rec. No. 746) entitled "An act to provide for the construction of a bridge over the Black River canal, in the town of Boonville, Oneida county, to take the place of Baker bridge, and making an appropriation therefor," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Davenport (No. 2149, Rec. No. 747) entitled "An act to provide for the construction of a bridge over the Black River canal, in the town of Boonville, Oneida county, to take the place of Diefendorf or Tharatt bridge, and making an appropriation therefor," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Davenport (No. 2148, Rec. No. 748) entitled "An act to provide for the construction of a bridge over the Black river at Stanwix street, Rome, and making an appropriation therefor," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Davenport (No. 1940, Rec. No. 791) entitled "An act making an appropriation for The American Seamen's Friend Society of the City of New York," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Davenport (No. 2152, Rec.

No. 744) entitled "An act to provide for the construction of a bridge over the Black River canal, in the town of Western, Oneida county, to take the place of the Hillside Change bridge, and making an appropriation therefor," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Ferris (No. 2022, Rec. No. 690) entitled "An act to provide for the construction of a bridge over the Glens Falls feeder of the Champlain canal with the necessary approaches and abutments at a point about one mile east of the city of Glens Falls, and making an appropriation therefor," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Farrell (No. 1716, Rec. No. 793) entitled "An act to confer jurisdiction on the Court of Claims to hear, audit and determine the alleged claim of Nat W. Herman against the State for an allowance alleged to be due him by reason of service in the New York State Nautical School," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Gibbs (No. 1759, Rec. No. 483) entitled "An act to amend the Tax Law, in relation to the salary of a transfer tax clerk in Erie county," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Karle (No. 1268, Rec. No. 794) entitled "An act to amend the Judiciary Law, in relation to retirement of employees by the Appellate Division of the second department," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Russell (No. 781, Rec. No. 770) entitled "An act to amend the Greater New York charter, in

relation to assessments for construction of sewer systems," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Lusk (No. 2047, Rec. No. 667) entitled "An act to amend the Education Law, in relation to teachers of foreign born and native adults and minors over sixteen years of age, and making an appropriation for expenses," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Lusk (No. 2091, Rec. No. 707) entitled "An act to amend the Education Law, in relation to providing for educational extension facilities for foreign born and native adults and minors over the age of sixteen years, relating to the employment of teachers, the payment of their compensation, and making an appropriation for expenses," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Marshall (No. 2016, Rec. No. 764) entitled "An act to authorize the State Commissioner of Education to acquire certain real property in the village of Hogansburg, Franklin county, for an Indian school in connection with the Saint Regis Indian Reservation, and making an appropriation therefor," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Russell (No. 1669, Rec. No. 797) entitled "An act to amend the Greater New York charter, in relation to leaves of absence in the police force," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Russell (No. 1649, Rec. No. 768) entitled "An act to amend chapter three hundred and sixty of the Laws of nineteen hundred and eleven, entitled 'An

act to promote the health and efficiency of policemen in cities of the first and second class, in relation to the application of said act to the traffic squad in the city of New York," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Russell (No. 1648, Rec. No. 769) entitled "An act to amend the Greater New York charter, in relation to authorizing the property clerk of the police department of the city of New York to destroy certain property," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Walton (No. 2075, Rec. No. 803) entitled "An act to amend the Code of Civil Procedure, in relation to bringing in parties in proceedings before the Court of Claims or a referee on account of appropriation of land by the State," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. G. L. Thompson (No. 134, Rec. No. 426) entitled "An act to amend the Town Law, in relation to preventing and fighting forest fires," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Sage (No. 2020, Rec. No. 713) entitled "An act making appropriations from the general fund for the continuation of terminal construction work on the Barge canal," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. G. F. Thompson (No. 1607, Rec. No. 526) entitled "An act to amend the Conservation Law, in relation to civil service examinations for game protectors," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. G. F. Thompson (No. 1927, Rec. No. 775) entitled "An act to amend the charter of the city of Lockport, providing for the appointment of one assessor instead of two," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. G. F. Thompson (No. 2015, Rec. No. 721) entitled "An act to amend the Judiciary Law, in relation to compensation of stenographer of county court of Niagara county," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. G. F. Thompson (No. 2014, Rec. No. 722) entitled "An act to amend the Election Law, in relation to compensation of deputy commissioner of elections in Niagara county," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Walton (No. 2074, Rec. No. 804) entitled "An act to amend the Code of Civil Procedure, in relation to disposition of amounts awarded by Court of Claims," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Walters (No. 2168, Rec. No. 802) entitled "An act to amend chapter one hundred and seventy-eight of the Laws of nineteen hundred and nineteen, entitled 'An act to provide for the acquisition of lands and the construction of a tunnel or tunnels jointly with the State of New Jersey, for vehicular and pedestrian traffic under the Hudson river and between the States of New York and New Jersey, and making an appropriation therefor,' in relation to altering existing

streets and changing the grade of existing streets and subsurface structures," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Davenport (No. 1990, Rec. No. 684) entitled "An act to amend the Tax Law, in relation to deductions in computing net income with respect to income taxes," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Walton (No. 2080, Rec. No. 783) entitled "An act to amend chapter thirty-one of the Laws of eighteen hundred and sixty-one, entitled 'An act to authorize the election of a police justice in the town of Saugerties, Ulster county,' in relation to declaring certain offenses within the town misdemeanors, and providing for their punishment," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Walters (No. 2197, Rec. No. 830) entitled "An act to amend the Election Law, in relation to the time for holding the fall primary, and to supplement provisions of such law relating to nominations of justices of the Supreme Court," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Walton (No. 2104, Rec. No. 831) entitled "An act to create a commission to examine laws relating to child welfare, investigate their effect and propose remedial legislation in relation thereto, and making an appropriation for the expenses of the commission," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Walton (No. 2190, Rec. No. 832) entitled "An act to amend the Education Law, in rela-

tion to salary of Supreme Court librarian at Delhi," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Walton (No. 2212, Rec. No. 625) entitled "An act to amend the Code of Civil Procedure, in relation to fees of printers," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Walker (No. 2081, Rec. No. 801) entitled "An act to amend the Greater New York charter, in relation to the issuance of certificates of indebtedness in the year nineteen hundred and twenty," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Walters (No. 2198, Rec. No. 829) entitled "Concurrent resolution of the Senate and Assembly proposing an amendment to section two of article twelve of the Constitution, in relation to city bills," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Walters (No. 2201, Rec. No. 828) entitled "An act to repeal article seventeen of the Election Law, relating to special provisions for the year nineteen hundred and eighteen," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Yelverton (No. 1851, Rec. No. 785) entitled "An act waiving all right, title and interest of the State of New York arising by escheat or otherwise, to the estate of Patrick Hughes, a former resident of this State, in favor of Winifred Higgins," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

and that the same be made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported, which report was agreed to and said bills ordered made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported.

Mr. Speaker, from the committee on rules, to which was referred the Senate concurrent resolution relative to the appointment of a joint legislative committee to investigate the compensation of school teachers, the equipment of schools and the systems of government and instruction therein, reported in favor of the adoption of the same.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

which report was agreed to.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tvler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells

Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker, from the committee on rules, to which was referred the Senate concurrent resolution relative to the appointment of a joint legislative committee to investigate and recodify the existing labor laws, reported in favor of the passage of the same.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.
which report was agreed to.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tvler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock

Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker, from the committee on rules, to which was referred the Senate concurrent resolution relative to the appointment of a special legislative committee to investigate the conditions and methods of reconstruction and readjustment, reported in favor of the adoption of the same.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor, which report was agreed to.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flvnn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb

Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker, from the committee on rules, to which was referred the Senate concurrent resolution relative to printing 4,000 additional copies of the report of the joint legislative committee on taxation and retrenchment, reported in favor of the adoption of the same.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor, which report was agreed to.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitecomb

Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker, from the committee on rules, to which was referred the Senate concurrent resolution relative to extending the time of the joint legislative committee appointed to investigate causes of lack of construction and high rents, reported in favor of the adoption of the same.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

which report was agreed to.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson

Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker, from the committee on rules, to which was referred concurrent resolution relative to the purchase of 3,000 copies of the legislative manual for 1920, reported in favor of the adoption of the same.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.
which report was agreed to.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillet R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Speaker, from the committee on rules, to which was referred the concurrent resolution relative to the patriotism, courage and devotion of the members of the National Guard, reported in favor of the adoption of the same.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor, which report was agreed to.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Davies, from the committee on printed and engrossed bills, reported the following bills as correctly printed or engrossed:

"An act to amend the Public Service Commissions Law, in relation to the general powers of commissions to suspension of rates of telegraph and telephone corporations." (No. 2277, Int. No. 45.)

"Concurrent resolution of the Senate and Assembly proposing amendments to article twelve of the Constitution, relating to cities and villages, so as to regulate legislation concerning them and guarantee to them the right of municipal self-government." (No. 2260, Int. No. 351.)

"An act to amend the Civil Service Law, in relation to civil service examinations of persons in the employ of the State in the competitive class of the State civil service." (No. 2175, Rec. No. 346.)

"An act to protect person performing labor or furnishing materials for construction, alteration or repair of public work." (No. 1204, Int. No. 1079.)

"An act to amend the Education Law, in relation to the designation of the School of Home Economics in the New York State College of Agriculture at Cornell University as the New York State College of Home Economics at Cornell University and to provide for its administration; and making an appropriation therefor." (No. 22, Int. No. 22.)

"An act to amend the Code of Civil Procedure, in relation to presumption of death and time in which actions, depending on the death of a person, may be commenced." (No. 2040, Int. No. 707.)

"An act making an appropriation for general extension work in agriculture and home economics among the Indians residing on reservations in the State of New York." (No. 1102, Int. No. 997.)

"An act to amend the Code of Civil Procedure, in relation to service of certain notices." (No. 541, Int. No. 505.)

"An act to amend chapter one hundred and forty-six of the Laws of nineteen hundred and seventeen, entitled 'An act making an appropriation to acquire lands for State park purposes within the forest preserve counties to carry out the provisions of chapter

five hundred and sixty-nine of the Laws of nineteen hundred and sixteen, and providing the method for such acquisition,' as amended by chapter ten of the Laws of nineteen hundred and eighteen, in relation to the payment of moneys." (No. 2231, Int. No. 994.)

"An act to amend the Greater New York charter, in relation to the composition of the police force." (No. 1462, Int. No. 716.)

"An act to amend the Penal Law, in relation to the giving of information concerning or carrying any person to any house of assignation or prostitution by the driver of any vehicle." (No. 1692, Int. No. 1464.)

"An act to amend the Agricultural Law, in relation to persons or corporations licensed to operate milk gathering stations." (No. 2232, Int. No. 1572.)

"An act to amend the New York City Municipal Court Code, in relation to the districts, justices and officers of such court." (No. 1279, Int. No. 1126.)

"An act to provide for the expense of opening and extending new Utrecht avenue from Ninth avenue to Eighty-first street, in the borough of Brooklyn, city of New York." (No. 2062, Int. No. 1678.)

"An act to amend the Town Law, in relation to town charges in certain towns." (No. 1381, Int. No. 1216.)

"An act to provide for the expense of widening and extending Elm street in the borough of Manhattan, city of New York." (No. 1679, Int. No. 1451.)

"An act to authorize the laying out, opening and improvement of a public street in the borough of Brooklyn, in the city of New York, to connect Highland Park with Conduit avenue." (No. 920, Int. No. 333.)

Mr. Adler moved a call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By direction of the Speaker, the Clerk called the roll, when the following members responded:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L

Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Betts	Dobson G A	Hutchinson	Miller	Steinberg
Blakely	Doherty	Jacobs	Moore	Stitt
Bloch	Donohoe	Jeffery	Morrissey	Tallett
Blodgett	Donohue	Jenks	Moss	Thayer
Bloomfield	Downs	Jesse	Mullen	Trahan
Bly	Duke	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	Van Wagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillett E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald	Seelbach	Speaker

Mr. Adler moved that the House proceed with business during the pendency of the call.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

On motion of Mr. Pellet, the committee on rules was instructed to report Senate bill (No. 842, Rec. No. 527) entitled "An act to amend the Tax Law, in relation to tax appraisers in the county of New York."

On motion of Mr. Pellet, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Pellet, and by unanimous consent, said bill was read the third time, having been printed and on the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Amos D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J J	Slacer

Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Osborne	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witte
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Wiswall moved to take from the table the motion to reconsider the vote by which Senate bill (No. 2139, Rec. No. 761) entitled "An act to amend the Penal Law, in relation to the admission of children under the age of sixteen years to places of amusement," was lost.

Mr. Speaker put the question whether the House would agree to said motion to take from the table, and it was determined in the affirmative.

Said bill having been announced, Mr. Wiswall moved to reconsider the vote by which said bill was lost.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer

Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 121

NOES 17

Those who voted in the affirmative were:

Ames D H	Dimin	Hawkins	McGinnies	Schwab
Ames H L	Dobson F	Healey	McKee	Seaker
Amos	Dobson G A	Henderson	McLoughlin J F	Seelbach
Barra	Doherty	Hutchinson	McLoughlin J J	Simpson
Baum	Donohoe	Jacobs	McWhinney	Smith O J
Blakely	Donohue	Jeffery	Mead	Soule
Bloch	Downs	Jenks	Miller	Steinberg
Bloomfield	Duke	Jesse	Moore	Stitt
Bly	Evans	Judson	Morrissey	Tallett
Booth	Everett	Kelly	Moss	Thayer
Bourke	Fearon	Kenyon	Mullen	Trahan
Brundage	Fenner	Kiernan	Neary	Tyler
Burchill	Flynn	Lattin	Norton	Ullman
Campbell	Fox	Lee	Parker	VanWagenenSB
Carroll W G	Gardner	Leininger	Patrzykowski	Walrath
Caulfield	Gempler	Lindsay	Peck	Wells
Chamberlin	Gillette E V	Long	Pellet	Westall
Cole	Gillett R H	Lord	Pette	Wheelock
Cosgrove	Hager	Lown	Reilly	Whitcomb
Cowee	Halpern	MacFarland	Reynaud	Williams
Cross	Hamill	Machold	Rice	Wilson
Crowley	Harrington	Martin	Roosevelt	Wiswall
Cuvillier	Harris	McCue	Ross	Witter
Damico	Hausner	McDonald	Rowe	Zimmerman
Davies				

Those who voted in the negative were:

Adler	Carroll J T	Gage	Richford	Smith M L
Betts	Cheney	Hunter	Slacer	VanWagenen J
Blodgett	Dickstein	Lentol	Smith C C	Webb
Brady	Forbell			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. McWhinney moved to take from the table his motion to reconsider the vote by which Assembly bill (No. 2212, Int. No. 85) entitled "An act to amend the Tax Law, in relation to imposing taxes upon and with respect to income," was lost.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Said bill having been announced, Mr. McWhinney moved to reconsider the vote by which said bill was lost.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams

Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Debate was had.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 72

NOES 59

Those who voted in the affirmative were:

Adler	Doherty	Jenks	Moore	Slacer
Amos	Donohue	Jesse	Moss	Smith M L
Baum	Evans	Kelly	Mullen	Smith O J
Beasley	Everett	Lee	Neary	Steinberg
Betts	Fearon	Leininger	Norton	Stitt
Bloch	Forbell	Lentol	Parker	Tallett
Blodgett	Fox	Lindsay	Patrzykowski	Taylor
Bly	Gempler	Lord	Pellet	Ullman
Bourke	Gillette E V	Machold	Pette	Wallace
Carroll J T	Gillett R H	Martin	Reilly	Walrath
Carroll W G	Griffith	McCue	Reynaud	Wells
Caulfield	Halpern	McDonald	Roosevelt	Wilson
Cosgrove	Hamill	McLoughlin J J	Schwab	Wiswall
Crowley	Hawkins	McWhinney	Simpson	Zimmerman
Damico	Jacobs			

Those who voted in the negative were:

Ames D H	Dobson G A	Healey	McGinnies	Thayer
Ames H L	Donohoe	Henderson	McKee	Trahan
Bloomfield	Duke	Hunter	Mead	Tyler
Booth	Easton	Hutchinson	Miller	VanWagenen J
Brundage	Fenner	Jeffery	Morrissey	VanWagenen SB
Campbell	Flynn	Judson	Rice	Webb
Chamberlin	Gage	Kiernan	Richford	Westall
Cheney	Gardner	Lattin	Rowe	Wheelock
Cole	Hager	Long	Seaker	Whitcomb
Cowee	Harrington	Lown	Seelbach	Williams
Dimin	Harris	MacFarland	Smith C C	Witter
Dobson F	Hausner	McArdie	Soule	

Mr. Pellet moved to reconsider the vote by which his motion to discharge the committee on printed and engrossed bills from further consideration of Assembly bill (No. 2260, Int. No. 351) entitled "Concurrent resolution of the Senate and Assembly proposing amendments to article twelve of the Constitution, relating to cities and villages, so as to regulate legislation concerning them

and guarantee to them the right of municipal self-government," was lost.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative.

Mr. Speaker stated the question to be upon said motion to discharge the committee on printed and engrossed bills from further consideration of said bill.

Mr. Speaker put the question whether the House would agree to said motion to discharge, and it was determined in the affirmative.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 78

NOES 36

Those who voted in the affirmative were:

Amos	Damico	Hamill	McDonald	Schwab
Baum	Dickstein	Hawkins	McKee	Seelbach
Beasley	Dimin	Healey	McLaughlin J F	Simpson
Blakely	Doherty	Hunter	McLoughlin J J	Slacer
Bloch	Donohue	Jeffery	Moss	Smith M L
Blodgett	Downs	Jesse	Mullen	Smith O J
Bly	Easton	Judson	Neary	Steinberg
Bourke	Evans	Kelly	Parker	Stitt
Brady	Flynn	Lattin	Pellet	Taylor
Burchill	Forbell	Lee	Pette	Ullman
Carroll J T	Fox	Leininger	Reilly	Van Wagenen J
Carroll W G	Gempler	Lentol	Reynaud	Wallace
Caulfield	Gillette E V	Lindsay	Roosevelt	Whitcomb
Cheney	Gillett R H	Lown	Ross	Williams
Cole	Griffith	McArdle	Rowe	Wilson
Cosgrove	Halpern	McCue		

Those who voted in the negative were:

Adler	Davies	Hager	Lord	Thayer
Ames D H	Dobson G A	Harrington	MacFarland	VanWagenenSB
Ames H L	Donohoe	Harris	Martin	Walrath
Betts	Duke	Hausner	Miller	Webb
Bloomfield	Fearon	Jacobs	Morrissey	Wells
Brundage	Fenner	Jenks	Norton	Wheelock
Campbell	Gardner	Long	Smith C C	Wiswall
Chamberlin				

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Bourke moved to reconsider the vote by which Senate bill (No. 1687, Rec. No. 355) entitled "An act to amend the General Corporation Law, in relation to the acquisition, holding and disposition by any domestic corporation of property without the State," was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J T	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Noss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	Van Wagenen J
Brundage	Fenner	Lattin	Peck	Van Wagenen SB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette F V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

On motion of Mr. Bourke, said bill was laid aside, retaining its place on the order of third reading.

Mr. R. H. Gillett moved to instruct the committee on rules to report Senate bill (No. 1038, Rec. No. 850) entitled "An act to

amend chapter six hundred and twenty-four of the Laws of nineteen hundred and seventeen, entitled 'An act to authorize cities to determine, by their qualified electors, that trafficking in liquors therein shall be prohibited in whole or in part, constituting chapter sixty-eight of the Consolidated Laws,' in relation to traffic in certain non-intoxicating beverages, and otherwise adapting the provisions of such chapter to conform to the Eighteenth Amendment to the Constitution of the United States."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Taylor moved to take from the table his motion to reconsider the vote by which Senate bill (No. 2138, Rec. No. 738) entitled "An act authorizing the police commissioner of the city of New York to rehear the charges upon which John Hasenstab, formerly a patrolman in the police department of said city, was dismissed from said department in the year nineteen hundred and one, and to reinstate him in the position formerly held by him," was lost.

Said bill having been announced, Mr. Taylor moved to reconsider the vote by which said bill was lost.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tvler
Bourke	Everett	Kenyon	Parker	Ullman

Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 91

NOES 32

Those who voted in the affirmative were:

Adler	Dimin	Hausner	McCue	Schwab
Ames D H	Dobson F	Hawkins	McGinnies	Seelbach
Amos	Duke	Healey	McKee	Slacer
Barra	Easton	Hunter	McLaughlin J F	Smith M L
Beasley	Evans	Hutchinson	McLoughlin J J	Smith O J
Blakely	Everett	Jacobs	McWhinney	Tallett
Bloomfield	Fenner	Jeffery	Mead	Taylor
Bourke	Flynn	Jesse	Miller	Trahan
Brady	Forbell	Judson	Moore	Ullman
Brundage	Gage	Kelly	Morrissey	VanWagenen J
Burchill	Gardner	Kenyon	Moss	VanWagenenSB
Campbell	Gillette E V	Kiernan	Mullen	Wallace
Caulfield	Gillett R H	Leininger	Neary	Walrath
Chamberlin	Griffith	Lentol	Parker	Wells
Cosgrove	Hager	Lindsay	Patrzykowski	Westall
Cowee	Hamill	Lord	Reilly	Wiswall
Crowley	Harrington	Martin	Reynaud	Witter
Damico	Harris	McArdle	Ross	Zimmerman
Dickstein				

Those who voted in the negative were:

Baum	Cole	Henderson	Pellet	Smith C C
Bloch	Cross	Jenks	Pette	Soule
Blodgett	Dobson G A	Lattin	Rice	Steinberg
Bly	Donohoe	Lee	Richford	Whitcomb
Booth	Fox	Lown	Rowe	Williams
Carroll J T	Gempler	MacFarland	Simpson	Wilson
Cheney	Halpern			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. R. H. Gillett moved to instruct the committee on rules to report Senate bill (No. 921, Rec. No. 851) entitled "An act prohibiting the manufacture, sale, transportation, importation, and exportation of intoxicating liquors for beverage purposes, providing a penalty therefor, in relation to traffic in certain non-intoxicating beverages, and amending the Liquor Tax Law and adapting the provisions of such chapter to conform to the Eighteenth Amendment to the Constitution of the United States."

Debate was had.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

AYES 84

NOES 58

Those who voted in the affirmative were:

Amos	Crowley	Griffith	McLaughlin J F	Seelbach
Barra	Cuvillier	Halpern	McLoughlin J J	Simpson
Baum	Damico	Hamill	McWhinney	Smith M L
Beasley	Dickstein	Hawkins	Mead	Smith O J
Blakely	Dimin	Healey	Moore	Soule
Bloch	Doherty	Henderson	Morrissey	Steinberg
Bly	Donohoe	Jesse	Moss	Stitt
Bourke	Donohue	Kelly	Mullen	Taylor
Brundage	Easton	Kiernan	Neary	Trahan
Burchill	Evans	Lee	Patrzykowski	Ullman
Campbell	Fearon	Leininger	Pellet	Wallace
Carroll J T	Flynn	Lentol	Pette	Webb
Carroll W G	Forbell	Lindsay	Reilly	Wells
Caulfield	Fox	McArdle	Reynaud	Westall
Chamberlin	Gempler	McCue	Roosevelt	Wilson
Cosgrove	Gillette E V	McDonald	Ross	Wiswall
Cross	Gillett R H	McKee	Schwab	

Those who voted in the negative were:

Adler	Dobson F	Hunter	Machold	Smith C C
Ames D H	Dobson G A	Hutchinson	Martin	Tallett
Ames H L	Downs	Jacobs	McGinnies	Tyler
Betts	Duke	Jeffery	Miller	VanWagenen J
Blodgett	Everett	Jenks	Norton	VanWagenenSB
Bloomfield	Fenner	Judson	Parker	Walrath
Booth	Gage	Kenyon	Rice	Wheelock
Brady	Gardner	Lattin	Richford	Whittomb
Cheney	Hager	Long	Rowe	Williams
Cole	Harrington	Lord	Seaker	Witter
Cowee	Harris	Lown	Slacer	Zimmerman
Davies	Hausner	MacFarland		

On motion of Mr. R. H. Gillett, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. R. H. Gillett, and by unanimous consent, said bill was read the third time, having been printed and on the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 85

NOES 58

Those who voted in the affirmative were:

Amos	Crowley	Griffith	McLaughlin J F	Seelbach
Barra	Cuvillier	Halpern	McLoughlin J J	Simpson
Baum	Damico	Hamill	McWhinney	Smith M L
Beasley	Dickstein	Hawkins	Mead	Smith O J
Blakely	Dimin	Healey	Moore	Soule
Bloch	Doherty	Henderson	Morrissey	Steinberg
Bly	Donohoe	Jesse	Moss	Stitt
Bourke	Donohue	Kelly	Mullen	Taylor
Brundage	Easton	Kiernan	Neary	Trahan
Burchill	Evans	Lee	Patrzykowski	Ullman
Campbell	Fearon	Leininger	Pellet	VanWagenenSB
Carroll J T	Flynn	Lentol	Pette	Wallace
Carroll W G	Forbell	Lindsay	Reilly	Webb
Caulfield	Fox	McArdle	Reynaud	Wells
Chamberlin	Gempler	McCue	Roosevelt	Westall
Cosgrove	Gillette E V	McDonald	Ross	Wilson
Cross	Gillett R H	McKee	Schwab	Wiswall

Those who voted in the negative were:

Adler	Dobson F	Hunter	Machold	Smith C C
Ames D H	Dobson G A	Hutchinson	Martin	Tallett
Ames H L	Downs	Jacobs	McGinnies	Thayer
Betts	Duke	Jeffery	Miller	Tyler
Blodgett	Everett	Jenks	Norton	VanWagenen J
Bloomfield	Fenner	Judson	Parker	Walrath
Booth	Gage	Kenyon	Rice	Wheelock
Brady	Gardner	Lattin	Richford	Whitcomb
Cheney	Hager	Long	Rowe	Williams
Cole	Harrington	Lord	Seaker	Witter
Cowee	Harris	Lown	Slacer	Zimmerman
Davies	Hausner	MacFarland		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Bloch moved to instruct the committee on rules to report Assembly bill (No. 1202, Int. No. 1077) entitled "An act to pro-

hibit the manufacture, sale or transportation within the State of New York of intoxicating liquors for beverage purposes, defining the term 'intoxicating liquors,' and providing for the punishment of violations hereof."

Debate was had.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

AYES 57

NOES 77

Those who voted in the affirmative were:

Amos	Cuvillier	Gillett R H	Lindsay	Pellet
Barra	Damico	Halpern	McCue	Reilly
Baum	Dickstein	Hamill	McDonald	Reynaud
Bloch	Dimin	Hawkins	McKee	Ross
Bly	Doherty	Healey	McLaughlin J F	Schwab
Bourke	Donohue	Henderson	McLoughlin J J	Seelbach
Burchill	Evans	Jesse	Morrissey	Smith O J
Campbell	Flynn	Kelly	Moss	Steinberg
Carroll J T	Forbell	Kiernan	Mullen	Trahan
Carroll W G	Fox	Leininger	Neary	Tulman
Caulfield	Gempler	Lentol	Patrzykowski	Wiswall
Cosgrove	Gillette E V			

Those who voted in the negative were:

Adler	Dobson F	Jacobs	Mead	Soule
Ames D H	Dobson G A	Jeffery	Miller	Stitt
Ames H L	Donohoe	Jenks	Moore	Tallett
Betts	Downs	Judson	Norton	Tyler
Blodgett	Duke	Kenyon	Parker	Van Wagenen J
Bloomfield	Everett	Lattin	Pette	VanWagenenSB
Booth	Fearon	Lee	Rice	Walrath
Brady	Fenner	Long	Richford	Webb
Brundage	Gage	Lord	Roosevelt	Wells
Chamberlin	Gardner	Lown	Rowe	Westall
Cheney	Hager	MacFarland	Seaker	Wheelock
Cole	Harrington	Machold	Simpson	Williams
Cowee	Harris	Martin	Slacer	Wilson
Cross	Hausner	McGinnies	Smith C C	Witter
Crowley	Hunter	McWhinney	Smith M L	Zimmerman
Davies	Hutchinson			

Mr. Rowe offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on printed and engrossed bills be discharged from the further consideration of the bill (No. 2277, Int. No. 45) entitled "An act to amend the Public Service Commissions Law, in relation to the general powers of commissions to suspension of rates of telegraph and telephone corporations."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill (Int. No. 45, Printed No. 2277) entitled "An act to amend the Public Service Commissions Law, in relation to the general powers of commissions to suspension of rates of telegraph and telephone corporations."

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany, this twenty-fourth
[L. S.] day of April in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,

Secretary to the Governor.

On motion of Mr. Rowe, said bill was read the third time, having been printed and on the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 100

NOES 13

Those who voted in the affirmative were:

Adler	Cosgrove	Gillette E V	Lord	Rowe
Ames D H	Cowee	Griffith	MacFarland	Seelbach
Ames H L	Cross	Hager	Martin	Slacer
Amos	Damico	Halpern	McArdle	Smith C C

Barra	Davies	Hamill	McDonald	Smith M L
Betts	Dimin	Harris	McGinnies	Smith O J
Blodgett	Dobson F	Hausner	McLaughlin J F	Soule
Bloomfield	Doherty	Henderson	McWhinney	Steinberg
Bly	Donohoe	Hunter	Mead	Tallett
Booth	Donohue	Jacobs	Morrissey	VanWagenen J
Bourke	Easton	Jeffery	Moss	VanWagenenSB
Brady	Evans	Jenks	Mullen	Wallace
Brundage	Fearon	Judson	Patrzykowski	Walrath
Burchill	Fenner	Kelly	Pellet	Webb
Campbell	Flynn	Kiernan	Pette	Westall
Carroll J T	Forbell	Lattin	Reilly	Wheelock
Carroll W G	Fox	Lee	Reynaud	Williams
Chamberlin	Gage	Leininger	Rice	Wiswall
Cheney	Gardner	Lentol	Richford	Witter
Cole	Gempler	Lindsay	Ross	Zimmerman

Those who voted in the negative were:

Everett	Hutchinson	Machold	Seaker	Thayer
Gillett R H	Long	Norton	Simpson	Wilson
Harrington	Low	Parker		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The Senate sent for concurrence a resolution, in the words following.

IN SENATE, ALBANY, *April 24, 1920.*

By Mr. Walters:

Resolved (if the Assembly concur), That there be printed twenty thousand additional copies of the report of the joint legislative committee on the investigation of seditious activities this day submitted to Senate, to be distributed twenty-five copies through each member of the Legislature and the balance under the direction of the chairman of said committee.

By order of the Senate,

ERNEST A. FAY,
Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer

Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cogrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

A message was received from the Senate, in the words following:

IN SENATE, *April 23, 1920.*

Pursuant to concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill (No. 1733, Rec. No. 388), entitled "An act to amend the Workmen's Compensation Law, generally."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Knight, and by unanimous consent, the same was amended as follows:

Page 3, line 21, after the word "loss" insert the words "of the use".

Page 5, between lines 6 and 7, insert the following:

"§ 2. Subdivision four of section sixteen of such chapter, such section having been last amended by chapter six hundred and twenty-two of the Laws of nineteen hundred and sixteen, is hereby amended to read as follows:

"4. If there be no surviving wife [or dependent husband] or child under the age of eighteen years or if the amount payable to surviving wife [or dependent husband] and to children under the age of eighteen years shall be less in the aggregate than sixty-

six and two-thirds per centum of the average wages of the deceased, then for the support of grandchildren or brothers and sisters under the age of eighteen years, if dependent upon the deceased at the time of the accident, fifteen per centum of such wages for the support of each such person until the age of eighteen years; and for the support of each parent, or grandparent, of the deceased if dependent upon him at the time of the accident, twenty-five per centum of such wages during such dependency. But in no case shall the aggregate amount payable under this subdivision exceed the difference between sixty-six and two-thirds per centum of such wages, and the amount payable as hereinbefore provided to surviving wife [or dependent husband] or for the support of surviving child or children.

"Any excess of wages over one hundred and twenty-five dollars a month shall not be taken into account in computing compensation under this section. All questions of dependency shall be determined as of the time of the accident."

Page 5, line 7, strike out the numeral "2" and insert in place thereof the numeral "3".

Said bill, as amended, was reprinted, re-engrossed, and having been on the desks of the members three legislative days, was passed and ordered sent to the Assembly for concurrence.

By order of the Senate,

ERNEST A. FAY,

Clerk.

Said bill having been announced, Mr. Duke moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule

Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 1313, Printed No. 1733) entitled "An act to amend the Workmen's Compensation Law, generally," as amended.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany, this twenty-third [L. s.] day of April in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,

Secretary to the Governor.

Said bill, as amended, was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it

was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	Van Wagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and, as amended, have again passed the same and request the concurrence of the Senate therein.

A message was received from the Senate, in the words following:

IN SENATE, *April 23, 1920.*

Pursuant to concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill (No. 297, Reprint No. 2211, Rec. No. 10) entitled "An act to amend chapter four hundred and fifty-seven of the Laws of eighteen hundred and ninety, entitled 'An act to provide for the care, control and management of the cemetery in the ninth ward of the city of Syracuse,' in relation to the powers of the board of trustees thereof."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Walters, and by unanimous consent the same was amended as follows:

Page 2, line 16, strike out "therefor" and insert in place thereof "for such purpose".

Said bill, as amended, was reprinted, re-engrossed, and having been on the desks of the members three legislative days, was passed and ordered sent to the Assembly for concurrence.

By order of the Senate,

ERNEST A. FAY,

Clerk.

Said bill having been announced, Mr. Fearon moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Lodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenen SB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leiningner	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cesgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Said bill, as amended, was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	Van Wagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and, as amended, have again passed the same and request the concurrence of the Senate therein.

A message was received from the Senate, in the words following:

IN SENATE, *April 23, 1920.*

Pursuant to concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill (No. 855, Reprint No. 2222, Rec. No. 344) entitled "An act to amend the Greater New York charter, in relation to pensions to widows and orphans of members of the police force."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Lockwood, and by unanimous consent, the same was amended as follows:

Page 1, line 8, strike out italicized matter.

Page 2, line 3, after "duty" insert in italics "or to any probationary member of the police force who has been or shall hereafter be so killed, or who has so died or shall hereafter so die".

Said bill, as amended, was reprinted, re-engrossed, and having been on the desks of the members three legislative days, was passed and ordered sent to the Assembly for concurrence.

By order of the Senate,

ERNEST A. FAY,

Clerk.

Said bill having been announced, Mr. McCue moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Petto	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams

Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Said bill, as amended, was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Carlfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and, as amended, have again passed the same and request the concurrence of the Senate therein.

The Senate returned the Assembly bill (No. 2044, Senate Reprint No. 2245, Int. No. 735) entitled "An act to amend the

Workmen's Compensation Law, in relation to fees in connection with claims for compensation," with a message that they have concurred in the passage of the same with the following amendments:

Page 2, line 13, after corporation insert in italics "except an attorney and counselor at law".

Amend Senate Reprint No. 2245, as follows:

Page 2, line 6, after "claims" insert in italics "of attorneys and counselors-at-law".

Page 2, line 13, after "any" insert in italics "other".

Page 2, lines 16 and 17, strike out the words "except an attorney and counselor-at-law".

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill (Int. No. 735, Senate Reprint No. 2253, Printed No. 2044) entitled "An act to amend the Workmen's Compensation Law, in relation to fees in connection with claims for compensation," as amended.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany, this twenty-third
[L. s.] day of April, in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would concur in said amendments, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Farris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitecomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 732, Senate Reprint No. 2244, Int. No. 681) entitled "An act to amend chapter five hundred and forty-eight of the Laws of nineteen hundred and twelve, entitled 'An act to erect the county of Bronx from the territory now comprised within the limits of the borough of Bronx, in the city of New York, as constituted by chapter three hundred and seventy-eight of the Laws of eighteen hundred and ninety-seven, and all acts amendatory thereof and supplemental thereto, in relation to compensation of certain employees,'" with a message that they have concurred in the passage of the same with the following amendments:

In the second last line of the title before "employees" insert "certain", and strike out the words "in the surrogate's". In the last line of the title strike out "office".

Page 4, line 18, enclose "two" in brackets and after last bracket insert in italics "three".

Line 19, enclose word "five", second appearing, in brackets and after last bracket insert in italics "eight".

Line 20, enclose "two" in brackets and after last bracket insert in italics "three".

Line 21, enclose "two" in brackets and after last bracket insert "three" in italics, also enclose "one" in brackets, and after last bracket insert "three" in italics.

Line 22, enclose five in brackets, also enclose "four" in brackets, and after last bracket insert "five" in italics.

Mr. McKee moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson

Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 785, Senate Reprint No. 2249, Int. No. 727) entitled "An act to amend the Workmen's Compensation Law, in relation to the payment of administration expenses of the State insurance fund directly out of its premium income," with a message that they have concurred in the passage of the same with the following amendments:

Page 2, line 1, strike out bracket.

Line 7, strike out bracket and remainder of line.

Lines 8 to 10, both inclusive, strike out all.

Line 11, strike out matter in italics and insert in place thereof in italics "The commission may with the approval of the Governor pay directly out of its premium income such amounts in excess of those appropriated in the annual appropriation bill, as may be found necessary for the successful administration of the fund. Such amounts, however, shall not exceed in any one year the sum of twenty-five thousand dollars. Any positions created out of such funds shall be regarded as temporary in character only and shall not be continued beyond the commencement of the next fiscal year ensuing such appointment unless provision therefor is contained in the next annual appropriation bill."

Mr. Evans moved to concur in the Senate amendments.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY

To the Legislature:

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me. I do hereby certify to the necessity of the immediate passage of Assembly bill (Int. No. 727, Printed No. 785) entitled "An act to amend the Workmen's

Compensation Law, in relation to the payment of administration expenses of the State insurance fund directly out of its premiums income," as amended.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany, this twenty-second [L. s.] day of April in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,

Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would concur in said amendments, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 1933, Senate Reprint No. 2215, Int. No. 1611) entitled "An act to amend the Highway Law, in relation to county aid for construction, improvement and maintenance of town highways," with a message that they have concurred in the passage of the same with the following amendments:

Strike out all after the enacting clause and insert in place thereof the text of Senate Reprint No. 2215.

Mr. Lord moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Willson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 2034, Senate Re-print No. 2218, Int. No. 330) entitled "An act to amend the Prison Law, in relation to retirement," with a message that they have concurred in the passage of the same with the following amendment:

Page 3, line 15, after the comma insert in italics the words "upon approval".

Mr. Richford moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J	FSlacer
Amos	Dickstein	Healey	McLoughlin J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenen SB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

The Senate returned the Assembly bill (No. 429, Senate Reprint No. 2157, Int. No. 408) entitled "An act to amend the Tax Law, in relation to the compensation of members of the State Tax Commission, and making an appropriation therefor," with a message that they have concurred in the passage of the same with the following amendments:

Page 1, last line of title, before the period insert ", and making an appropriation therefor."

Page 2, between lines 17 and 18, insert: "§ 2. The sum of six thousand dollars (\$6,000) is hereby appropriated for the purpose of carrying out the provisions of this act."

Mr. Judson moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McFee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J J	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Stitt C C
Barra	Dinin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock

Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

Mr. Speaker announced the special order, being the bill (No. 1955, Int. No. 1632) entitled "An act to amend the charter of the city of Jamestown, in relation to the estimate, amount and payment of charges for water and electricity used by the city for public purposes and the levying and collection of taxes therefor."

On motion of Mr. H. L. Ames, said bill was laid aside, retaining its place on the special order of second and third reading.

Mr. Speaker announced the special order, being the bill (No. 2204, Int. No. 1602) entitled "An act to create a commission to examine laws relating to child welfare, investigate their effect and propose remedial legislation in relation thereto, and making an appropriation for the expenses of the commission."

On motion of Miss M. L. Smith, said bill was laid aside, and ordered stricken from the calendar.

Mr. Speaker announced the special order, being the bill (No. 1261, Int. No. 1108) entitled "An act to amend the General Municipal Law, in relation to allowances made by child welfare boards."

On motion of Mr. Burchill, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Anos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the Senate bill (No. 1494, Rec. No. 631) entitled "An act to amend the Insurance Law, in relation to reciprocal requirements concerning the issuance of licenses to nonresident brokers."

On motion of Mr. Adler, said bill was laid aside, retaining its place on the special order of second and third reading.

Mr. Pette moved to reconsider the vote by which Assembly bill (No. 2236, Int. No. 628) entitled "An act to amend the Judiciary Law, in relation to the appointment of official referees by the Appellate Division of the Supreme Court," was stricken from the calendar, April 23d.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Said bill having been announced,

Debate was had.

On motion of Mr. Pette, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 90

NOES 27

Those who voted in the affirmative were:

Adler	Dobson F	Healey	McArdle	Slacer
Ames D H	Donohoe	Hunter	McGinnies	Smith C C
Ames H L	Donohue	Hutchinson	McWhinney	Smith M L
Amos	Downs	Jacobs	Miller	Smith O J
Baum	Duke	Jeffery	Moore	Soule
Beasley	Easton	Judson	Morrissey	Steinberg
Betts	Evans	Kelly	Neary	Taylor
Blakely	Fearon	Kenyon	Norton	Trahan
Booth	Fenner	Lattin	Patrzykowski	VanWagenen J
Bourke	Gage	Leininger	Pette	VanWagenenSB
Brady	Gardner	Lentol	Reynaud	Wallace
Brundage	Gillette E V	Lindsay	Rice	Webb
Burchill	Griffith	Long	Richford	Westall
Chamberlin	Halpern	Lord	Roosevelt	Wheelock
Cole	Hamill	Lown	Rowe	Whitcomb
Cowee	Harrington	MacFarland	Schwab	Williams
Crowley	Harris	Machold	Seaker	Witter
Davies	Hausner	Martin	Seelbach	Zimmerman

Those who voted in the negative were:

Blodgett	Dimin	Hager	Moss	Simpson
Bly	Dobson G A	Hawkins	Mullen	Stitt
Campbell	Doherty	Lee	Parker	Ullman
Carroll J T	Forbell	McDonald	Pellet	Wells
Damico	Fox	Mead	Reilly	Wilson
Dickstein	Gempler			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the Senate bill (No. 544, Rec. No. 795) entitled "An act to amend the Judiciary Law, in relation to the appointment of official referees by the Appellate Division of the Supreme Court."

On motion of Mr. Pette, said bill was laid aside, and ordered stricken from the calendar.

Mr. Speaker announced the special order, being the Senate bill (No. 2055, Rec. No. 661) entitled "An act to amend the Military Law, in relation to the organization, administration and government of the militia and National Guard."

Mr. Wells moved to recommit said bill to the committee on rules.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker announced the special order, being the Senate bill (No. 2108, Rec. No. 708) entitled "An act to amend an act entitled 'An act to authorize the Commissioners of the Land Office to grant and release to the city of New York certain lands under water in the Atlantic ocean in the boroughs of Brooklyn and Queens, to provide for the protection of adjacent uplands, the improvement of such lands under water and uplands and the acquisition of property for any such purpose, by such city, and to prescribe the method for defraying the cost,' and known as chapter five hundred and six of the Laws of nineteen hundred and eighteen, so as to authorize the city of New York to acquire real property and rights therein for public beaches, and to improve and preserve the same, and to assess the cost of such acquisition and improvement."

On motion of Mr. Caulfield, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 137

NOES 1

Those who voted in the affirmative were:

Adler	Cuvillier	Hausner	McGinnies	Seelbach
Ames D H	Damico	Hawkins	McKee	Simpson
Ames H L	Davies	Healey	McLaughlin J F	Slacer

Amos	Dimin	Henderson	McLoughlin J J	Smith C C
Barra	Dobson F	Hunter	McWhinney	Smith M L
Baum	Dobson G A	Hutchinson	Mead	Smith O J
Betts	Doherty	Jacobs	Miller	Soule
Blakely	Donohoe	Jeffery	Moore	Steinberg
Bloch	Donohue	Jenks	Morrissey	Stitt
Blodgett	Downs	Jesse	Moss	Tallett
Bloomfield	Duke	Judson	Mullen	Thayer
Bly	Evans	Kelly	Neary	Trahan
Booth	Everett	Kenyon	Norton	Tyler
Bourke	Fearon	Kiernan	Parker	Ullman
Brady	Fenner	Lattin	Patrzykowski	VanWagenen J
Brundage	Flynn	Lee	Peck	VanWagenenSB
Burchill	Forbell	Leininger	Pellet	Walrath
Campbell	Fox	Lentol	Pette	Webb
Carroll J T	Gage	Lindsay	Reilly	Wells
Carroll W G	Gardner	Long	Reynaud	Westall
Caulfield	Gempler	Lord	Rice	Wheelock
Chamberlin	Gillette E V	Lown	Richford	Whitcomb
Cheney	Gillett R H	MacFarland	Roosevelt	Williams
Cole	Hager	Machold	Ross	Wilson
Cosgrove	Halpern	Martin	Rowe	Wiswall
Cowee	Hamill	McCue	Schwab	Witter
Cross	Harrington	McDonald	Seaker	Zimmerman
Crowley	Harris			

In the negative:

Dickstein

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the bill (No. 1692, Int. No. 1464) entitled "An act to amend the Penal Law, in relation to the giving of information concerning or carrying any person to any house of assignation or prostitution by the driver of any vehicle."

On motion of Mr. Betts, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 1462, Int. No. 665) entitled "An act to amend the Greater New York charter, in relation to the composition of the police force."

Said bill having been announced, Mr. Hamill moved to amend as follows:

On page 3, line 2, strike out "[the rank or grade of inspector of police," etc., down to line 12 "seven]". And add in italics "all inspectors of police shall be appointed by the commissioner of police from a certified list furnished by the civil service commission. All captains of police shall be eligible to take this examination for inspector of police".

Strike out page 5, line 16, to page 6, line 7, inclusive.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Doherty moved to reconsider the vote by which Assembly bill (No. 1462, Int. No. 665) entitled "An act to amend the Greater New York charter, in relation to the composition of the police force," as amended.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative.

Mr. Speaker stated the question to be upon the adoption of said amendment.

Debate was had.

Mr. Speaker put the question whether the House would agree to said motion to amend, and it was determined in the affirmative.

Ordered, That said bill be reprinted and restored to special order of second and third reading.

Mr. Speaker announced the special order, being the bill (No. 2231, Int. No. 994) entitled "An act to amend chapter one hundred and forty-six of the Laws of nineteen hundred and seventeen, entitled 'An act making an appropriation to acquire lands for State park purposes within the forest preserve counties to carry out the provisions of chapter five hundred and sixty-nine of the Laws of nineteen hundred and sixteen, and providing the method for such acquisition,' as amended by chapter ten of the Laws of nineteen hundred and eighteen, in relation to the payment of moneys."

On motion of Mr. Everett, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer

Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 920, Int. No. 333) entitled "An act to authorize the laying out, opening and improvement of a public street in the borough of Brooklyn, in the city of New York, to connect Highland Park with Conduit avenue."

On motion of Mr. Forbell, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Smith C C

Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchall	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 1679, Int. No. 1451) entitled "An act to provide for the expense of widening and extending Elm street in the borough of Manhattan, city of New York."

On motion of Mr. Hamill, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 3

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McDonald	Seelbach
Ames D H	Damico	Hausner	McGinnies	Simpson
Ames H L	Davies	Hawkins	McKee	Slacer
Amos	Dickstein	Healey	McLaughlin J F	Smith C C
Barra	Dimin	Henderson	McLoughlin J J	Smith M L
Baum	Dobson F	Hunter	McWhinney	Smith O J

Betts	Dobson G A	Hutchinson	Mead	Soule
Blakely	Doherty	Jacobs	Miller	Steinberg
Bloch	Donohoe	Jeffery	Moore	Stitt
Blodgett	Donohue	Jenks	Morrissey	Tallett
Bloomfield	Downs	Jesse	Moss	Thayer
Booth	Duke	Judson	Mullen	Trahan
Bourke	Evans	Kelly	Neary	Tyler
Brady	Everett	Kenyon	Norton	Ullman
Brundage	Fearon	Kiernan	Parker	VanWagenen J
Burchill	Fenner	Lattin	Patrzykowski	VanWagenenSB
Campbell	Flynn	Lee	Peck	Walrath
Carroll J T	Forbell	Leininger	Pette	Webb
Carroll W G	Gage	Lentol	Reilly	Wells
Caulfield	Gardner	Lindsay	Reynaud	Westall
Chamberlin	Gempler	Long	Rice	Wheelock
Cheney	Gillette E V	Lord	Richford	Whitcomb
Cole	Gillett R H	Lown	Roosevelt	Williams
Cosgrove	Hager	MacFarland	Ross	Wilson
Cowee	Halpern	Machold	Rowe	Wiswall
Cross	Hamill	Martin	Schwab	Witter
Crowley	Harrington	McCue	Seaker	Zimmerman

Those who voted in the negative were:

Bly	Fox	Pellet
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Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 1381, Int. No. 1216) entitled "An act to amend the Town Law, in relation to charges in certain towns."

On motion of Mr. MacFarland, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule

Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jesse	Moss	Tallett
Bloomfield	Downs	Jenks	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Hearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2062, Int. No. 1678) entitled "An act to provide for the expense of opening and extending new Utrecht avenue from Ninth avenue to Eighty-first street, in the borough of Brooklyn, city of New York."

On motion of Mr. Ross, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 118

NOES 21

Those who voted in the affirmative were:

Adler	Cross	Harrington	McGinnies	Seelbach
Ames D H	Crowley	Harris	McLaughlin J F	Slacer
Ames H L	Cuvillier	Hausner	McLoughlin J J	Smith C C
Amos	Davies	Hunter	McWhinney	Smith M L
Barra	Dickstein	Hutchinson	Mead	Smith O J
Baum	Dimin	Jacobs	Miller	Soule
Betts	Dobson F	Jeffery	Moore	Tallett

Blakely	Dobson G A	Jenks	Morrissey	Thayer
Blodgett	Doherty	Jesse	Moss	Trahan
Eloomfield	Donohoe	Judson	Mullen	Tyler
Bly	Downs	Kelly	Norton	VanWagenen J
Booth	Duke	Kenyon	Parker	VanWagenenSB
Bourke	Everett	Kiernan	Patrzykowski	Walrath
Brady	Fearon	Lattin	Peck	Webb
Brundage	Fenner	Leininger	Reilly	Wells
Campbell	Flynn	Lentol	Reynaud	Westall
Carroll J T	Forbell	Lindsay	Rice	Wheelock
Carroll W G	Gage	Long	Richford	Whitcomb
Caulfield	Gardner	Lord	Roosevelt	Williams
Chamberlin	Gillette E V	Lown	Ross	Wilson
Cheney	Gillett R H	MacFarland	Rowe	Wiswall
Cole	Hager	Machold	Schwab	Witter
Cosgrove	Halpern	Martin	Seaker	Zimmerman
Cowee	Hamill	McDonald		

Those who voted in the negative were:

Bloch	Evans	Healey	McKee	Simpson
Burchill	Fox	Henderson	Neary	Steinberg
Damico	Gempler	Lee	Pellet	Stitt
Donohue	Hawkins	McCue	Pette	Ullman
Easton				

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 1279, Int. No. 1126) entitled "An act to amend the New York City Municipal Court Code, in relation to the districts, justices and officers of such court."

On motion of Mr. O. J. Smith, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 3

Those who voted in the affirmative were:

Adler	Crowley	Harrington	McCue	Seaker
Ames D H	Cuvillier	Harris	McDonald	Seelbach
Ames H L	Damico	Hausner	McGinnies	Simpson
Amos	Davies	Hawkins	McKee	Slacer
Barra	Dickstein	Healey	McLaughlin J F	Smith C C

Baum	Dimin	Henderson	McLoughlin J J	Smith M L
Betts	Dobson F	Hunter	McWhinney	Smith O J
Blakely	Dobson G A	Hutchinson	Mead	Soule
Bloch	Doherty	Jacobs	Miller	Steinberg
Blodgett	Donohoe	Jeffery	Moore	Stitt
Bloomfield	Donohue	Jenks	Morrissey	Tallett
Bly	Downs	Jesse	Moss	Thayer
Booth	Duke	Judson	Mullen	Trahan
Bourke	Everett	Kelly	Neary	Tyler
Brady	Fearon	Kenyon	Norton	VanWagenen J
Brundage	Fenner	Kiernan	Parker	VanWagenenSB
Burchill	Flynn	Lattin	Patrzykowski	Walrath
Campbell	Forbell	Lee	Peck	Webb
Carroll J T	Fox	Leininger	Pette	Wells
Carroll W G	Gage	Lentol	Reilly	Westall
Caulfield	Gardner	Lindsay	Reynaud	Wheelock
Chamberlin	Gempler	Long	Rice	Whitcomb
Cheney	Gillette E V	Lord	Richford	Williams
Cole	Gillett R H	Lown	Roosevelt	Wilson
Cosgrove	Hager	MacFarland	Ross	Wiswall
Cowee	Halpern	Machold	Rowe	Witter
Cross	Hamill	Martin	Schwab	Zimmerman

Those who voted in the negative were:

Evans	Pellet	Ullman
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Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2232, Int. No. 1572) entitled "An act to amend the Agricultural Law, in relation to persons or corporations licensed to operate milk gathering stations."

On motion of Mr. Witter, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 4

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McDonald	Simpson
Anes D H	Damico	Hausner	McGinnies	Slacer
Anes H L	Davies	Hawkins	McKee	Smith C C
Amos	Dickstein	Healey	McWhinney	Smith M L

Barra	Dimin	Henderson	Mead	Smith O J
Baum	Dobson F	Hunter	Miller	Soule
Betts	Dobson G A	Hutchinson	Moore	Steinberg
Blakely	Doherty	Jacobs	Morrissey	Stitt
Bloch	Donohoe	Jeffery	Moss	Tallett
Blodgett	Downs	Jenks	Mullen	Thayer
Bloomfield	Duke	Jesse	Neary	Trahan
Bly	Evans	Judson	Norton	Tyler
Booth	Everett	Kelly	Parker	Ullman
Bourke	Fearon	Kenyon	Patrzykowski	VanWagenen J
Brady	Fenner	Kiernan	Peck	VanWagenenSB
Brundage	Flynn	Lattin	Pellet	Walrath
Campbell	Forbell	Lee	Pette	Webb
Carroll J T	Fox	Leininger	Reilly	Wells
Carroll W G	Gage	Lentol	Reynaud	Westall
Caulfield	Gardner	Lindsay	Rice	Wheelock
Chamberlin	Gempler	Long	Richford	Whitcomb
Cheney	Gillette E V	Lord	Roosevelt	Williams
Cole	Gillett R H	Lown	Ross	Wilson
Cosgrove	Hager	MacFarland	Rowe	Wiswall
Cowee	Halpern	Machold	Schwab	Witter
Cross	Hamill	Martin	Seaker	Zimmerman
Crowley	Harrington	McCue	Seelbach	

Those who voted in the negative were:

Burchill Donohue McLaughlin JF McLoughlin JJ

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the Senate bill (No. 1866, Rec. No. 763) entitled "An act to amend the Greater New York charter, in relation to improvements within the lines of and upon marginal wharves, streets or places."

On motion of Mr. Cosgrove, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin JF	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M J

Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 984, Rec. No. 217) entitled "An act to amend the Penal Law, in relation to buying or receiving stolen or wrongfully acquired property."

On motion of Mr. Miller, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Boyd D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLaughlin J J	Smith M L

Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1686, Rec. No. 787) entitled "An act to amend the Education Law, in relation to the duties and salary of the librarian of the Appellate Division of the Supreme Court in the first judicial department."

On motion of Mr. McCue, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C

Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R F	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2068, Rec. No. 695) entitled "An act to amend the Inferior Criminal Courts Act of the City of New York, in relation to probation courts."

On motion of Mr. Evans, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L

Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lowu	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1887, Rec. No. 706) entitled "An act to amend the Code of Criminal Procedure, in relation to suspension of sentence."

On motion of Mr. Rice, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J

Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohue	Jeffery	Morrissey	Tallett
Bloch	Donohoe	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1888, Rec. No. 705) entitled "An act to amend the Penal Law, in relation to suspension of sentence."

On motion of Mr. Rice, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg

Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	Van Wagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2200, Rec. No. 824) entitled "An act to amend chapter two hundred and seventeen of the Laws of nineteen hundred and fourteen, entitled 'An act to provide a charter for the city of Buffalo,' as amended, in relation to the compensation of special patrolmen."

On motion of Mr. Rowe, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L

Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1998, Rec. No. 714) entitled "An act to amend the State Finance Law, in relation to State contracts."

On motion of Mr. Campbell, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule

Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Leo	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 123, Rec. No. 274) entitled "An act granting the consent of the State of New York to the occupation by the United States of a certain piece of land for lighthouse purposes partly under water and partly rock or island on the east side of the Hudson river just south of Astor point, Barrytown, New York, and ceding jurisdiction over the same."

On motion of Mr. Wiswall, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C

Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1939, Rec. No. 613) entitled "An act to amend the Real Property Law, in relation to demands of increased rentals by certain persons."

On motion of Mr. McArdle, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L

Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenen S B
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2221, Rec. No. 823) entitled "An act in relation to the diversion of water from Lake Erie, Niagara river and other boundary waters of the State for power purposes."

On motion of Mr. Wiswall, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkin,	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L

Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leminger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2196, Rec. No. 820) entitled "An act to amend chapter five hundred and thirteen of the Laws of nineteen hundred and nine, entitled 'An act to make the office of the clerk of the county of Richmond a salaried office, and regulating the management of the said office,' in relation to the salary of such clerk."

On motion of Mr. Parker, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 10

Those who voted in the affirmative were:

Adler	Crowley	Harris	McLaughlin J F	Slacer
Ames D H	Cuvillier	Hausner	McLoughlin J J	Smith C C
Ames H L	Damico	Healey	McWhinney	Smith M L
Amos	Davies	Hunter	Mead	Smith O J
Barra	Dickstein	Hutchinson	Miller	Soule
Baum	Dimin	Jacobs	Moore	Stitt
Beasley	Dobson F	Jeffery	Morrissey	Tallett
Betts	Dobson G A	Jenks	Moss	Taylor
Blakely	Doherty	Jesse	Mullen	Thayer
Bloch	Donohoe	Judson	Neary	Trahan
Blodgett	Donohue	Kelly	Norton	Tyler
Bloomfield	Dwans	Kenyon	Parker	Ullman
Booth	Duke	Kiernan	Patrzykowski	VanWagenen J
Bourke	Easton	Lattin	Peck	VanWagenenSB
Brady	Everett	Leininger	Pette	Wallace
Brundage	Fearon	Lentol	Reilly	Walrath
Burchill	Fenner	Lindsay	Reynaud	Webb
Campbell	Flynn	Long	Rice	Wells
Carroll J T	Forbell	Lord	Richford	Westall
Carroll W G	Gage	Lown	Roosevelt	Wheelock
Caulfield	Gardner	MacFarland	Ross	Whitcomb
Chamberlin	Gillette E V	Machold	Rowe	Williams
Cheney	Gillett R H	Martin	Schwab	Wilson
Cole	Hager	McArdle	Seaker	Wiswall
Cosgrove	Halpern	McCue	Seelbach	Witter
Cowee	Hamill	McGinnies	Simpson	Zimmerman
Cross	Harrington	McKee		

Those who voted in the negative were:

Bly	Fox	Hawkins	Lee	Pellet
Evans	Gempler	Henderson	McDonald	Steinberg

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2087, Rec. No. 719) entitled "An act to amend the Business Corporations Law, in relation to co-operative corporations, generally."

On motion of Mr. Rowe, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the

affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2125, Rec. No. 716) entitled "An act to amend the Military Law, with respect to State and municipal officers and employees absent on military or naval duty."

On motion of Mr. Wiswall, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1787, Rec. No. 525) entitled "An act to amend the Tax Law, in relation to tax appraiser in the county of Albany."

On motion of Mr. Wiswall, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	Van Wagenen J
Brady	Fearon	Lattin	Peck	Van Wagenen SB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitecomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2134, Rec. No. 698) entitled "An act to amend the Village Law, in relation to contracts for lighting."

On motion of Mr. Miller, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 141

NOES 2

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damicc	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dicksteins	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhimney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lee	Peck	Wallace
Burchill	Flynn	Leininger	Pellet	Walrath
Campbell	Forbell	Lentol	Pette	Webb
Carroll J T	Fox	Lindsay	Reilly	Wells
Carroll W G	Gage	Long	Reynaud	Westall
Caulfield	Gardner	Lord	Rice	Wheelock
Chamberlin	Gempler	Lown	Richford	Whitcomb
Cheney	Gillette E V	MacFarland	Roosevelt	Williams
Cole	Gillett R H	Machold	Ross	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley				

Those who voted in the negative were:

Lattin Rowe

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2073, Rec. No. 717) entitled "An act making appropriation for increased allowance to employees of State charitable and reformatory institutions reporting to the Fiscal Supervisor of State Charities."

On motion of Mr. Wiswall, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	Van Wagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1161, Assembly Reprint No. 2175, Rec. No. 346) entitled "An act to amend the Civil Service Law, in relation to civil

service examinations of persons in the employ of the State in the competitive class of the State civil service."

On motion of Mr. Wiswall, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same, with amendments.

Mr. Speaker announced the special order, being the Senate bill (No. 2146, Rec. No. 715) entitled "An act to provide means for the support of government."

On motion of Mr. Wiswall, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	Van Wagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1993, Rec. No. 819) entitled "An act to confer jurisdiction on the Court of Claims to hear, audit and determine the

claim of Ervin A. Mix against the State for damages alleged to have been sustained by him while in the employ of the State at the Binghamton State Hospital, and to render judgment therefor."

On motion of Mr. Jenks, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 1

Those who voted in the affirmative were:

Adler	Cuvillier	Hausner	McGinnies	Simpson
Ames D H	Damico	Hawkins	McKee	Slacer
Ames H L	Davies	Healey	McLaughlin J F	Smith C C
Amos	Dimin	Henderson	McLoughlin J J	Smith M L
Barra	Dobson F	Hunter	McWhinney	Smith O J
Baum	Dobson G A	Hutchinson	Mead	Soule
Beasley	Doherty	Jacobs	Miller	Steinberg
Betts	Donohoe	Jeffery	Moore	Stitt
Blakely	Donohue	Jenks	Morrissey	Tallett
Bloch	Downs	Jesse	Moss	Taylor
Blodgett	Duke	Judson	Mullen	Thayer
Bloomfield	Easton	Kelly	Neary	Trahan
Bly	Evans	Kenyon	Norton	Tvler
Booth	Everett	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	VanWagenen J
Brady	Fenner	Lee	Peck	VanWagenenSB
Brundage	Flynn	Leininger	Pellet	Wallace
Burchill	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Webb
Carroll J T	Gage	Long	Reynaud	Wells
Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Poosevelt	Whitecomb
Cheney	Gillett R H	Machold	Ross	Williams
Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley	Harris			

In the negative:

Dickstein

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1912, Rec. No. 581) entitled "An act to amend the Greater New York charter, in relation to the board of purchase."

On motion of Mr. Barra, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 683, Rec. No. 289) entitled "An act to amend the Greater New York charter, in relation to the issue of corporate stock notes."

On motion of Mr. McCue, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlain	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2035, Rec. No. 749) entitled "An act to amend chapter seven hundred and six of the Laws of nineteen hundred and one, entitled 'An act to make the office of register of the county of Kings a salaried office, and regulating the management of said office,' in relation to the salaries of the employees."

On motion of Mr. Forbell, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 9

Those who voted in the affirmative were:

Adler	Crowley	Harris	McKee	Slacer
Ames D H	Cuvillier	Hausner	McLaughlin J F	Smith C C
Ames H L	Lamico	Healey	McLoughlin J J	Smith M L
Barra	Davies	Hunter	McWhinney	Smith O J
Baum	Dickstein	Hutchinson	Mead	Soule
Beasley	Dimin	Jacobs	Miller	Stitt
Betts	Dobson F	Jeffery	Moore	Tallett
Blakely	Dobson G A	Jenks	Morrissey	Taylor
Bloch	Doherty	Jesse	Moss	Thayer
Blodgett	Donohoe	Judson	Mullen	Trahan
Bloomfield	Donohue	Kelly	Neary	Tyler
Bly	Downs	Kenyon	Norton	Ullman
Booth	Duke	Kiernan	Parker	VanWagenen J
Bourke	Easton	Lattin	Patrzykowski	VanWagenenSB
Brady	Everett	Lee	Peck	Wallace
Brundage	Fearon	Leininger	Pette	Walrath
Burchill	Fenner	Lentol	Reilly	Webb
Campbell	Flynn	Lindsay	Reynaud	Wells
Carroll J T	Forbell	Long	Rice	Westall
Carroll W G	Gage	Lord	Richford	Wheelock
Caulfield	Gardner	Lown	Roosevelt	Whitcomb
Chamberlin	Gillette E V	MacFarland	Ross	Williams
Cheney	Gillett R H	Machold	Rowe	Wilson
Cole	Hager	Martin	Schwab	Wiswall
Cosgrove	Halpern	McArdle	Seaker	Witter
Cowee	Hamill	McCue	Seelbach	Zimmerman
Cross	Harrington	McGinnies	Simpson	

Those who voted in the negative were:

Amos	Fox	Hawkins	McDonald	Steinberg
Evans	Gempfer	Henderson	Pellet	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1935, Rec. No. 633) entitled "An act to authorize the Adjutant-General to reopen the claim made by James Delehanty, late private, Twelfth Regiment Infantry, National Guard, to be placed on the roll of invalid pensioners of the State, and to grant a rehearing of the application made by said Delehanty to be placed on such roll."

On motion of Mr. Wells, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 1

Those who voted in the affirmative were:

Adler	Cuvillier	Hausner	McGinnies	Simpson
Ames D H	Damico	Hawkins	McKee	Slacer
Ames H L	Davies	Healey	McLaughlin J F	Smith C C
Amos	Dimin	Henderson	McLoughlin J J	Smith M L
Barra	Dobson F	Hunter	McWhinney	Smith O J
Baum	Dobson G A	Hutchinson	Mead	Soule
Beasley	Doherty	Jacobs	Miller	Steinberg
Betts	Donohue	Jeffery	Moore	Stitt
Blakely	Donohue	Jenks	Morrissey	Tallett
Bloch	Downs	Jesse	Moss	Taylor
Blodgett	Duke	Judson	Mullen	Thayer
Bloomfield	Easton	Kelly	Neary	Trahan
Bly	Evans	Kenyon	Norton	Tyler
Booth	Everett	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	VanWagenen J
Brady	Fenner	Lee	Peck	VanWagenenSB
Brundage	Flynn	Leininger	Pellet	Wallace
Burchill	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Webb

Carroll J T	Gage	Long	Reynaud	Wells
Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams
Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley	Harris			

In the negative:

Dickstein

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1882, Rec. No. 810) entitled "An act to amend the General Municipal Law, in relation to the power of the State Comptroller to examine the accounts of school authorities."

On motion of Mr. Caulfield, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Guvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman

Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenens B
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leninger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Maupern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1093, Rec. No. 675) entitled "An act providing for the assessment and taxation of lands owned or hereafter purchased by the Commissioners of the Palisades Interstate Park and situated in the towns of Woodbury, Tuxedo, Highlands and Cornwall in the county of Orange."

On motion of Mr. Mead, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 1

Those who voted in the affirmative were:

Adler	Cuvillier	Hausner	McGinnies	Simpson
Ames D H	Damico	Hawkins	McKee	Slacer
Ames H L	Davies	Healey	McLaughlin J F	Smith C C
Amos	Dickstein	Henderson	McLoughlin J J	Smith M L
Barra	Dimin	Hunter	McWhinney	Smith O J
Baum	Dobson F	Hutchinson	Mead	Soule
Beasley	Dobson G A	Jacobs	Miller	Steinberg
Betts	Doherty	Jeffery	Moore	Stitt
Blakely	Donohoe	Jenks	Morrissey	Tallett
Bloch	Downs	Jesse	Moss	Taylor

Blodgett	Duke	Judson	Mullen	Thayer
Bloomfield	Easton	Kelly	Neary	Trahan
Bly	Evans	Kenyon	Norton	Tyler
Booth	Everett	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	VanWagenen J
Brady	Fenner	Lee	Peck	VanWagenenSB
Brundage	Flynn	Leininger	Pellet	Wallace
Burchill	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Webb
Carroll J 1	Gage	Long	Reynaud	Wells
Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams
Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley	Harris			

In the negative:

Donohue

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2085, Rec. No. 811) entitled "An act to amend the General City Law, in relation to the retirement from active service of certain city employees."

On motion of Mr. Evans, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule

Beasley	Dobson G A	Hutchinson	Miller	Steinburg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 643, Rec. No. 577) entitled "An act to authorize the board of assessors of the city of New York to make awards for damages caused by the change of grade of Atlantic avenue, Brooklyn."

On motion of Mr. McArdle, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 1

Those who voted in the affirmative were:

Adler	Cuvillier	Hausner	McGinnies	Simpson
Ames D H	Damico	Hawkins	McKee	Slacer
Ames H L	Davies	Healey	McLaughlin J F	Smith C C
Amos	Dimin	Henderson	McLoughlin J J	Smith M L
Barra	Dobson F	Hunter	McWhinney	Smith O J
Baum	Dobson G A	Hutchinson	Mead	Soule

Beasley	Doherty	Jacobs	Miller	Steinberg
Betts	Donohoe	Jeffery	Moore	Stitt
Blakely	Donohue	Jenks	Morrissey	Tallett
Bloch	Downs	Jesse	Moss	Taylor
Blodgett	Duke	Judson	Mullen	Thayer
Bloomfield	Easton	Kelly	Neary	Trahan
Bly	Evans	Kenyon	Norton	Tyler
Booth	Everett	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	VanWagenen J
Brady	Fenner	Lee	Peck	VanWagenenSB
Brundage	Flynn	Leininger	Pellet	Wallace
Burchill	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Webb
Carroll J T	Gage	Long	Reynaud	Wells
Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams
Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley	Harris			

In the negative:

Dickstein

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1898, Rec. No. 812) entitled "An act to authorize the revision of certain contracts heretofore let by the Commission on New Prisons."

On motion of Mr. Bloch, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C

Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1678, Rec. No. 621) entitled "An act to amend the Insurance Law, in relation to the merger or consolidation of fire and marine insurance corporations."

On motion of Mr. Gardner, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L

Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2093, Rec. No. 814) entitled "An act to amend chapter four hundred and fourteen of the Laws of nineteen hundred and thirteen, entitled 'An act to amend chapter one hundred and forty-seven of the Laws of eighteen hundred and seventy-six, entitled "An act granting to the United States the right to acquire the right of way necessary for the improvement of the Harlem river and Spuyten Duyvil creek from the North river to the East river through the Harlem kills, and ceding jurisdiction over the same," in relation to enabling the State to furnish the United States the right of way necessary for rectification of the bend in the Harlem river ship canal, and making an appropriation therefor,' and making an appropriation to carry out the provisions of chapter one hundred and forty-seven of the Laws of eighteen hundred and seventy-six, as amended."

On motion of Mr. Parker, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	McFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2151, Rec. No. 745) entitled "An act to provide for the construction of a bridge over the Black River canal, in the town of Western, Oneida county, to take the place of the Hall Farm bridge, and making an appropriation therefor."

On motion of Mr. Martin, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 109

NOES 34

Those who voted in the affirmative were:

Adler	Damico	Hausner	Moore	Soule
Ames D H	Davies	Hawkins	Morrissey	Steinberg
Ames H L	Dimin	Hunter	Moss	Stitt
Amos	Dobson F	Hutchinson	Mullen	Tallett
Baum	Dobson G A	Jacobs	Neary	Thayer
Betts	Doherty	Jeffery	Norton	Trahan
Blakely	Donohoe	Jenks	Parker	Tyler
Blodgett	Downs	Jesse	Peck	Ullman
Bloomfield	Duke	Judson	Pellet	VanWagenenSB
Bly	Everett	Kenyon	Pette	Wallace
Booth	Fearon	Lattin	Rice	Walrath
Bourke	Fenner	Lee	Richford	Webb
Brady	Forbell	Long	Roosevelt	Wells
Brundage	Fox	Lord	Ross	Westall
Campbell	Gage	Lown	Rowe	Wheelock
Carroll J T	Gardner	MacFarland	Seaker	Whitcomb
Caulfield	Gempler	Macfold	Seelbach	Williams
Chamberlin	Gillett R H	Martin	Simpson	Wilson
Cheney	Hager	McGinnies	Slacer	Wiswall
Cole	Halpern	McWhinney	Smith C C	Witter
Cowee	Harrington	Mead	Smith M L	Zimmerman
Crowley	Harris	Miller	Smith O J	

Those who voted in the negative were:

Barra	Cuvillier	Hamill	Lindsay	Patrzykowski
Beasley	Dickstein	Healey	McArdle	Reilly
Bloch	Donohue	Henderson	McCue	Reynaud
Burchill	Easton	Kelly	McDonald	Schwab
Carroll W G	Evans	Kiernan	McKee	Taylor
Cosgrove	Flynn	Leininger	McLaughlin J F	VanWagenen J
Cross	Gillette E V	Lentol	McLoughlin J J	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2150, Rec. No. 746) entitled "An act to provide for the construction of a bridge over the Black River canal, in the town of Boonville, Oneida county, to take the place of Baker bridge, and making an appropriation therefor."

On motion of Mr. Booth, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 109

NOES 34

Those who voted in the affirmative were:

Adler	Damico	Hausner	Moore	Soule
Ames D H	Davies	Hawkins	Morrissey	Steinberg
Ames H L	Dimin	Hunter	Moss	Stitt
Amos	Dobson F	Hutchinson	Mullen	Tallett
Baum	Dobson G A	Jacobs	Neary	Thayer
Betts	Doherty	Jeffery	Norton	Trahan
Blakely	Donohoe	Jenks	Parker	Tyler
Blodgett	Downs	Jesse	Peck	Ullman
Bloomfield	Duke	Judson	Pellet	VanWagenenSB
Bly	Everett	Kenyon	Pette	Wallace
Booth	Fearon	Lattin	Rice	Walrath
Bourke	Fenner	Lee	Richford	Webb
Brady	Forbell	Long	Roosevelt	Wells
Brundage	Fox	Lord	Ross	Westall
Campbell	Gage	Lown	Rowe	Wheelock
Carroll J T	Gardner	MacFarland	Seaker	Whitcomb
Caulfield	Gempler	Machold	Seelbach	Williams
Chamberlin	Gillett R H	Martin	Simpson	Wilson
Cheney	Hager	McGinnies	Slacer	Wiswall
Cole	Halpern	McWhinney	Smith C C	Witter
Cowee	Harrington	Mead	Smith M L	Zimmerman
Crowley	Harris	Miller	Smith O J	

Those who voted in the negative were:

Barra	Cuvillier	Hamill	Lindsay	Patrzykowski
Beasley	Dickstein	Healey	McArdle	Reilly
Bloch	Donohue	Henderson	McCue	Reynaud
Burchill	Easton	Kelly	McDonald	Schwab
Carroll W G	Evans	Kiernan	McKee	Taylor
Cosgrove	Flynn	Leininger	McLaughlin JF	VanWagenen J
Cross	Gillette E V	Lentol	McLoughlin J J	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2149, Rec. No. 747) entitled "An act to provide for the

construction of a bridge over the Black River canal, in the town of Boonville, Oneida county, to take the place of Diefendorf or Tharatt bridge, and making an appropriation therefor."

On motion of Mr. Booth, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 109

NOES 34

Those who voted in the affirmative were:

Adler	Damico	Hausner	Moore	Soule
Ames D H	Davies	Hawkins	Morrissey	Steinberg
Ames H L	Dimin	Hunter	Moss	Stitt
Amos	Dobson F	Hutchinson	Mullen	Tallett
Baum	Dobson G A	Jacobs	Neary	Thayer
Betts	Doherty	Jeffery	Norton	Trahan
Blakely	Donohoe	Jenks	Parker	Tyler
Blodgett	Downs	Jesse	Peck	Ullman
Bloomfield	Duke	Judson	Pellet	VanWagenenSB
Bly	Everett	Kenyon	Pette	Wallace
Booth	Fearon	Lattin	Rice	Walrath
Bourke	Fenner	Lee	Richford	Webb
Brady	Forbell	Long	Roosevelt	Wells
Brundage	Fox	Lord	Ross	Westall
Campbell	Gage	Lown	Rowe	Wheelock
Carroll J T	Gardner	MacFarland	Seaker	Whitcomb
Caulfield	Gempler	Machold	Seelbach	Williams
Chamberlin	Gillett R H	Martin	Simpson	Wilson
Cheney	Hager	McGinnies	Slacer	Wiswall
Cole	Halpern	McWhinney	Smith C C	Witter
Cowee	Harrington	Mead	Smith M L	Zimmerman
Crowley	Harris	Miller	Smith O J	

Those who voted in the negative were:

Barra	Cuvillier	Hamill	Lindsay	Patrzykowski
Beasley	Dickstein	Healey	McArdle	Reilly
Bloch	Donohue	Henderson	McCue	Reynaud
Burchill	Easton	Kelly	McDonald	Schwab
Carroll W G	Evans	Kiernan	McKee	Taylor
Cosgrove	Flynn	Leininger	McLaughlin J F	VanWagenen J
Cross	Gillette E V	Lentol	McLoughlin J J	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2148, Rec. No. 748) entitled "An act to provide for the construction of a bridge over the Black river at Stanwix street, Rome, and making an appropriation therefor."

On motion of Mr. Booth, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 109

NOES 34

Those who voted in the affirmative were:

Adler	Damico	Hausner	Moore	Soule
Ames D H	Davies	Hawkins	Morrissey	Steinberg
Ames H L	Dimin	Hunter	Moss	Stitt
Amos	Dobson F	Hutchinson	Mullen	Tallett
Baum	Dobson G A	Jacobs	Neary	Thayer
Betts	Doherty	Jeffery	Norton	Trahan
Blakely	Donohoe	Jenks	Parker	Tyler
Blodgett	Downs	Jesse	Peck	Ullman
Bloomfield	Duke	Judson	Pellet	VanWagenenSB
Bly	Everett	Kenyon	Pette	Wallace
Booth	Fearon	Lattin	Rice	Walrath
Bourke	Fenner	Lee	Richford	Webb
Brady	Forbell	Long	Roosevelt	Wells
Brundage	Fox	Lord	Ross	Westall
Campbell	Gage	Lown	Rowe	Wheelock
Carroll J T	Gardner	MacFarland	Seaker	Whitcomb
Caulfield	Gempler	Machold	Seelbach	Williams
Chamberlin	Gillett R H	Martin	Simpson	Wilson
Cheney	Hager	McGinnies	Slacer	Wiswall
Cole	Halpern	McWhinney	Smith C C	Witter
Cowee	Harrington	Mead	Smith M L	Zimmerman
Crowley	Harris	Miller	Smith O J	

Those who voted in the negative were:

Barra	Cuvillier	Hamill	Lindsay	Patrzykowski
Beasley	Dickstein	Healey	McArdle	Reilly
Bloch	Donohue	Henderson	McCue	Reynaud
Burchill	Easton	Kelly	McDonald	Schwab
Carroll W G	Evans	Kiernan	McKee	Taylor
Cosgrove	Flynn	Leininger	McLaughlin J F	VanWagenen J
Cross	Gillette E V	Lentol	McLoughlin J J	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1940, Rec. No. 791) entitled "An act making an appropriation for The American Seamen's Friend Society of the City of New York."

On motion of Mr. Booth, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thaver
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	Van Wagenen J
Brady	Feaon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamil	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2152, Rec. No. 744) entitled "An act to provide for the construction of a bridge over the Black River canal, in the town of Western, Oneida county, to take the place of the Hillside Change bridge, and making an appropriation therefor."

On motion of Mr. Booth, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 109

NOES 34

Those who voted in the affirmative were:

Adler	Damico	Hausner	Moore	Soule
Ames D H	Davies	Hawkins	Morrissey	Steinberg
Ames H L	Dimin	Hunter	Moss	Stitt
Amos	Dobson F	Hutchinson	Mullen	Tallett
Baum	Dobson G A	Jacobs	Neary	Thayer
Betts	Doherty	Jeffery	Norton	Trahan
Blakely	Donohoe	Jenks	Parker	Tyler
Blodgett	Downs	Jesse	Peck	Ullman
Bloomfield	Duke	Judson	Pellet	VanWagenenSB
Bly	Everett	Kenyon	Pette	Wallace
Booth	Fearon	Lattin	Rice	Walrath
Bourke	Fenner	Lee	Richford	Webb
Brady	Forbell	Long	Roosevelt	Wells
Brundage	Fox	Lord	Ross	Westall
Campbell	Gage	Lown	Rowe	Wheelock
Carroll J T	Gardner	MacFarland	Seaker	Whitcomb
Caulfield	Gempler	Machold	Seelbach	Williams
Chamberlin	Gillett R H	Martin	Simpson	Wilson
Cheney	Hager	McGinnies	Slacer	Wiswall
Cole	Halpern	McWhinney	Smith C C	Witter
Cowee	Harrington	Mead	Smith M L	Zimmerman
Crowley	Harris	Miller	Smith O J	

Those who voted in the negative were:

Barra	Cuvillier	Hamill	Lindsay	Patrzykowski
Beasley	Dickstein	Healey	McArdle	Reilly
Bloch	Donohue	Henderson	McCue	Reynaud

Burchill	Easton	Kelly	McDonald	Schwab
Carroll W G	Evans	Kiernan	McKee	Taylor
Cosgrove	Flynn	Leininger	McLaughlin J F	VanWagenen J
Cross	Gillette E V	Lentol	McLoughlin J J	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2022, Rec. No. 690) entitled "An act to provide for the construction of a bridge over the Glens Falls feeder of the Champlain canal with the necessary approaches and abutments at a point about one mile east of the city of Glens Falls, and making an appropriation therefor."

On motion of Mr. Machold, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 109

NOES 34

Those who voted in the affirmative were:

Adler	Damico	Hausner	Moore	Soule
Ames D H	Davies	Hawkins	Morrissey	Steinberg
Ames H L	Dimin	Hunter	Moss	Stitt
Amos	Dobson F	Hutchinson	Mullen	Tallett
Baum	Dobson G A	Jacobs	Neary	Thayer
Betts	Doherty	Jeffery	Norton	Trahan
Blakely	Donohoe	Jenks	Parker	Tyler
Blodgett	Downs	Jesse	Peck	Ullman
Bloomfield	Duke	Judson	Pellet	VanWagenenSB
Bly	Everett	Kenyon	Pette	Wallace
Booth	Fearon	Lattin	Rice	Walrath
Bourke	Fenner	Lee	Richford	Webb
Brady	Forbell	Long	Roosevelt	Wells
Brundage	Fox	Lord	Ross	Westall
Campbell	Gage	Lown	Rowe	Wheelock
Carroll J T	Gardner	MacFarland	Seaker	Whitcomb
Caulfield	Gempler	Machold	Seelbach	Williams
Chamberlin	Gillett R H	Martin	Simpson	Wilson
Cheney	Hager	McGinnies	Slacer	Wiswall
Cole	Halpern	McWhinney	Smith C C	Witter
Cowee	Harrington	Mead	Smith M L	Zimmerman
Crowley	Harris	Miller	Smith O J	

Those who voted in the negative were:

Barra	Cuvillier	Hamill	Lindsay	Patrzykowski
Beasley	Dickstein	Healey	McArdle	Reilly
Bloch	Donohue	Henderson	McCue	Reynaud
Burchill	Easton	Kelly	McDonald	Schwab
Carroll W G	Evans	Kiernan	McKee	Taylor
Cosgrove	Flynn	Leininger	McLaughlin J F	VanWagenen J
Cross	Gillette E V	Lentol	McLoughlin J J	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1716, Rec. No. 793) entitled "An act to confer jurisdiction on the Court of Claims to hear, audit and determine the alleged claim of Nat W. Herman against the State for an allowance alleged to be due him by reason of service in the New York State Nautical School."

On motion of Mr. McWhinney, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 1

Those who voted in the affirmative were:

Adler	Cuvillier	Hausner	McGinnies	Simpson
Ames D H	Damico	Hawkins	McKee	Slacer
Ames H L	Davies	Healey	McLaughlin J F	Smith C C
Amos	Dimin	Henderson	McLoughlin J J	Smith M L
Barra	Dobson F	Hunter	McWhinney	Smith O J
Baum	Dobson G A	Hutchinson	Mead	Soule
Beasley	Doherty	Jacobs	Miller	Steinberg
Betts	Donohoe	Jeffery	Moore	Stitt
Blakely	Donohue	Jenks	Morrissey	Tallett
Bloch	Downs	Jesse	Moss	Taylor
Blodgett	Duke	Judson	Mullen	Thayer
Bloomfield	Easton	Kelly	Neary	Trahan
Bly	Evans	Kenyon	Norton	Tyler
Booth	Everett	Kiernan	Parker	Ullman
Bourke	Fearon	Lattin	Patrzykowski	VanWagenen J
Brady	Fenner	Lee	Peck	VanWagenenSB
Brundage	Flynn	Leininger	Pellet	Wallace

Burchill	Forbell	Lentol	Pette	Walrath
Campbell	Fox	Lindsay	Reilly	Webb
Carroll J T	Gage	Long	Reynaud	Wells
Carroll W G	Gardner	Lord	Rice	Westall
Caulfield	Gempler	Lown	Richford	Wheelock
Chamberlin	Gillette E V	MacFarland	Roosevelt	Whitcomb
Cheney	Gillett R H	Machold	Ross	Williams
Cole	Hager	Martin	Rowe	Wilson
Cosgrove	Halpern	McArdle	Schwab	Wiswall
Cowee	Hamill	McCue	Seaker	Witter
Cross	Harrington	McDonald	Seelbach	Zimmerman
Crowley	Harris			

In the negative:

Dickstein

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1759, Rec. No. 483) entitled "An act to amend the Tax Law, in relation to the salary of a transfer tax clerk in Erie county."

On motion of Mr. Rowe, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler

Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1268, Rec. No. 794) entitled "An act to amend the Judiciary Law, in relation to retirement of employees by the Appellate Division of the second department."

On motion of Mr. Pette, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 15

Those who voted in the affirmative were:

Adler	Crowley	Henderson	McWhinney	Slacer
Ames D H	Cuvillier	Hunter	Mead	Smith C C
Ames H L	Damico	Hutchinson	Miller	Smith M L
Barra	Davies	Jacobs	Moore	Smith O J
Baum	Dobson F	Jeffery	Morrissey	Soule
Beasley	Dobson G A	Jenks	Moss	Stitt
Betts	Doherty	Jesse	Mullen	Tallett
Blakely	Donohoe	Judson	Neary	Taylor
Bloch	Downs	Kelly	Norton	Thayer
Blodgett	Duke	Kenyon	Parker	Trahan
Bloomfield	Easton	Kiernan	Patrzykowski	Tyler
Booth	Everett	Lattin	Peck	VanWagenen J
Bourke	Fearon	Lee	Pellet	VanWagenenSB

Brady	Fenner	Leininger	Pette	Wallace
Brundage	Forbell	Lentol	Reilly	Walrath
Burchill	Gage	Lindsay	Reynaud	Webb
Campbell	Gardner	Long	Rice	Wells
Carroll J T	Gillette E V	Lord	Richford	Westall
Carroll W G	Gillett R H	Lown	Roosevelt	Wheelock
Caulfield	Hager	MacFarland	Ross	Whitcomb
Chamberlin	Halpern	Machold	Rowe	Williams
Cheney	Hamill	Martin	Schwab	Wilson
Cole	Harrington	McCue	Seaker	Wiswall
Coseroye	Harris	McGinnies	Seelbach	Witter
Cowee	Hausner	McLaughlin J F	Simpson	Zimmerman
Cross	Healey	McLoughlin J J		

Those who voted in the negative were:

Amos	Dimin	Flynn	Hawkins	McKee
Bly	Donohue	Fox	McArdle	Steinberg
Dickstein	Evans	Gempler	McDonald	Ullman

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2047, Rec. No. 667) entitled "An act to amend the Education Law, in relation to teachers of foreign born and native adults and minors over sixteen years of age, and making an appropriation for expenses."

On motion of Mr. Rice, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt

Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2091, Rec. No. 707) entitled "An act to amend the Education Law, in relation to providing for educational extension facilities for foreign born and native adults and minors over the age of sixteen years, relating to the employment of teachers, the payment of their compensation, and making an appropriation for expenses."

On motion of Mr. Rice, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C

Amos	Dickstein	Healey	McLoug'lin	J J Smith	M L
Barra	Dimin	Henderson	McWhinney	Smith	O J
Baum	Dobson F	Hunter	Mead	Soule	
Beasley	Dobson G A	Hutchinson	Miller	Steinberg	
Betts	Doherty	Jacobs	Moore	Stitt	
Blakely	Donohoe	Jeffery	Morrissey	Tallett	
Bloch	Donohue	Jenks	Moss	Taylor	
Blodgett	Downs	Jesse	Mullen	Thayer	
Bloomfield	Duke	Judson	Neary	Trahan	
Boyle	Easton	Kelly	Norton	Tyler	
Booth	Evans	Kenyon	Parker	Ullman	
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J	
Brady	Fearon	Lattin	Peck	VanWagenenSB	
Brundage	Fenner	Lee	Pellet	Wallace	
Burchill	Flynn	Leininger	Pette	Walrath	
Campbell	Forbell	Lentol	Reilly	Webb	
Carroll J T	Fox	Lindsay	Reynaud	Wells	
Carroll W G	Gage	Long	Rice	Westall	
Caulfield	Gardner	Lord	Richford	Wheelock	
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb	
Cheney	Gillette E V	MacFarland	Ross	Williams	
Cole	Gillett R H	Machold	Rowe	Wilson	
Cosgrove	Hager	Martin	Schwab	Wiswall	
Cowee	Halpern	McArdle	Seaker	Witter	
Cross	Hamill	McCue	Seelbach	Zimmerman	
Crowley	Harrington	McDonald			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2130, Rec. No. 816) entitled "An act to provide for the construction of a plate girder bridge, in place of the present bridge, over the Black River canal, at Main street, Port Leyden, and making an appropriation therefor."

On motion of Mr. Hutchinson, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 110

NOES 33

Those who voted in the affirmative were:

Adler	Damico	Harris	Miller	Smith O J
Ames D H	Davies	Hausner	Moore	Soule
Ames H L	Dimin	Hawkins	Morrissey	Steinberg

Amos	Dobson F	Hunter	Moss	Stitt
Baum	Dobson G A	Hutchinson	Mullen	Tallett
Betts	Doherty	Jacobs	Neary	Thayer
Blakely	Donohoe	Jeffery	Norton	Trahan
Blodgett	Downs	Jenks	Parker	Tyler
Bloomfield	Duke	Jesse	Peck	Ullman
Bly	Easton	Judson	Pellet	VanWagenenSB
Booth	Everett	Kenyon	Pette	Wallace
Bourke	Fearon	Lattin	Rice	Walrath
Brady	Fenner	Lee	Richford	Webb
Brundage	Forbell	Long	Roosevelt	Wells
Campbell	Fox	Lord	Ross	Westall
Carroll J T	Gage	Lown	Rowe	Wheelock
Caulfield	Gardner	MacFarland	Seaker	Whitcomb
Chamberlin	Gempler	Machold	Seelbach	Williams
Cheney	Gillett R H	Martin	Simpson	Wilson
Cole	Hager	McGinnies	Slacer	Wiswall
Cowee	Halpern	McWhinney	Smith C C	Witter
Crowley	Harrington	Mead	Smith M L	Zimmerman

Those who voted in the negative were:

Barra	Cuvillier	Healey	McArdle	Patrzykowski
Beasley	Dickstein	Henderson	McCue	Reilly
Bloch	Donohue	Kelly	McDonald	Reynaud
Burlill	Evans	Kiernan	McKee	Schwab
Carroll W G	Flynn	Leininger	McLaughlin J F	Taylor
Cosgrove	Gillette E V	Lentol	McLoughlin J J	VanWagenen J
Cross	Hamill	Lindsay		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1248, Rec. No. 607) entitled "An act providing for the laying out, opening and extending of Eliot avenue, in the borough of Queens, in the city of New York, through the lands of the Lutheran cemetery and the Mount Olivet cemetery or either of them in said borough, along the line separating said cemeteries."

On motion of Mr. Wheelock, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Moss	Tallett
Bloch	Donohue	Jenks	Morrissey	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	Van Wagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 781, Rec. No. 770) entitled "An act to amend the Greater New York charter, in relation to assessments for construction of sewer systems."

On motion of Mr. Fearon, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dinin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	Van Wagenen J
Brady	Fearon	Lattin	Peck	Van Wagenen SB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gare	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2016, Rec. No. 764) entitled "An act to authorize the State Commissioner of Education to acquire certain real property in the village of Hogansburg, Franklin county, for an Indian school in connection with the Saint Regis Indian Reservation, and making an appropriation therefor."

On motion of Mr. Harrington said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the

affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1669, Rec. No. 797) entitled "An act to amend the Greater New York charter, in relation to leaves of absence in the police force."

On motion of Mr. Fearon, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree

to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	Van Wagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1649, Rec. No. 768) entitled "An act to amend chapter three hundred and sixty of the Laws of nineteen hundred and eleven, entitled 'An act to promote the health and efficiency of policemen in cities of the first and second class,' in relation to the application of said act to the traffic squad in the city of New York."

On motion of Mr. Fearon said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1648, Rec. No. 769) entitled "An act to amend the Greater New York charter, in relation to authorizing the property clerk of the police department of the city of New York to destroy certain property."

On motion of Mr. Fearon, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed

and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D B	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2075, Rec. No. 803) entitled "An act to amend the Code of Civil Procedure, in relation to bringing in parties in proceedings before the Court of Claims or a referee on account of appropriation of land by the State."

On motion of Mr. Jenks, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Malpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 134, Rec. No. 426) entitled "An act to amend the Town Law, in relation to preventing and fighting forest fires."

On motion of Mr. McWhinney, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2020, Rec. No. 713) entitled "An act making appropriations from the general fund for the continuation of terminal construction work on the Barge canal."

On motion of Mr. Campbell, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1607, Rec. No. 526) entitled "An act to amend the Conservation Law, in relation to civil service examinations for game protectors."

On motion of Mr. McWhinney, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutelinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitecomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Nachold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1927, Rec. No. 775) entitled "An act to amend the charter of the city of Lockport, providing for the appointment of one assessor instead of two."

On motion of Mr. Jeffery, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2015, Rec. No. 721) entitled "An act to amend the Judiciary Law, in relation to compensation of stenographer of county court of Niagara county."

On motion of Mr. Parker, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2014, Rec. No. 722) entitled "An act to amend the Election Law, in relation to compensation of deputy commissioner of elections in Niagara county."

On motion of Mr. Jeffery, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2074, Rec. No. 804) entitled "An act to amend the Code of Civil Procedure, in relation to disposition of amounts awarded by Court of Claims."

On motion of Mr. Mead, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2168, Rec. No. 802) entitled "An act to amend chapter one hundred and seventy-eight of the Laws of nineteen hundred and nineteen, entitled 'An act to provide for the acquisition of lands and the construction of a tunnel or tunnels jointly with the State of New Jersey, for vehicular and pedestrian traffic under

the Hudson river and between the States of New York and New Jersey, and making an appropriation therefor,' in relation to altering existing streets and changing the grade of existing streets and subsurface structures."

On motion of Mr. Fearon, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1990, Rec. No. 684) entitled "An act to amend the Tax Law, in relation to deductions in computing net income with respect to income taxes."

On motion of Mr. Booth, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES' 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenen SB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2080, Rec. No. 783) entitled "An act to amend chapter thirty-one of the Laws of eighteen hundred and sixty-one, entitled 'An act to authorize the election of a police justice in the town of Saugerties, Ulster county,' in relation to declaring certain offenses within the town misdemeanors, and providing for their punishment."

On motion of Mr. Mead, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES' 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donchue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thaver
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	Van Wagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Leo	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Covee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2197, Rec. No. 830) entitled "An act to amend the Election Law, in relation to the time for holding the fall primary, and to supplement provisions of such law relating to nominations of justices of the Supreme Court."

On motion of Mr. Fearon, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenen SB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2104, Rec. No. 831) entitled "An act to create a commission to examine laws relating to child welfare, investigate their effect and propose remedial legislation in relation thereto, and making an appropriation for the expenses of the commission."

On motion of Mr. Mead, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	Van Wagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2190, Rec. No. 832) entitled "An act to amend the Education Law, in relation to salary of Supreme Court librarian at Delhi."

On motion of Mr. Mead, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2212, Rec. No. 625) entitled "An act to amend the Code of Civil Procedure, in relation to fees of printers."

On motion of Mr. Mead, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Leo	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitecomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Jamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2081, Rec. No. 801) entitled "An act to amend the Greater New York charter, in relation to the issuance of certificates of indebtedness in the year nineteen hundred and twenty."

On motion of Mr. Donohue, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Low	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2198, Rec. No. 829) entitled "Concurrent resolution of the Senate and Assembly proposing an amendment to section two of article twelve of the Constitution, in relation to city bills."

On motion of Mr. Fearon, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Low	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2201, Rec. No. 828) entitled "An act to repeal article seventeen of the Election Law, relating to special provisions for the year nineteen hundred and eighteen."

On motion of Mr. Soule, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1851, Rec. No. 785) entitled "An act waiving all right, title and interest of the State of New York arising by escheat or otherwise, to the estate of Patrick Hughes, a former resident of this State, in favor of Winifred Higgins."

On motion of Mr. Blodgett, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Anos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb
Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The bill (No. 1772, Int. No. 551) entitled "An act to amend the Code of Civil Procedure, in relation to jurisdiction of the Court of Claims," was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 137

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Hausner	McGinnies	Seelbach
Ames D H	Damico	Hawkins	McKee	Simpson
Ames H L	Davies	Healey	McLaughlin J F	Slacer
Amos	Dickstein	Henderson	McLoughlin J J	Smith C C
Barra	Dimin	Hunter	McWhinney	Smith M L
Baum	Dobson F	Hutchinson	Mead	Smith O J
Betts	Dobson G A	Jacobs	Miller	Soule
Blakely	Doherty	Jeffery	Moore	Steinberg
Bloch	Donohoe	Jenks	Morrissey	Stitt
Blodgett	Downs	Jesse	Moss	Tallett
Bloomfield	Duke	Judson	Mullen	Thayer
Bly	Evans	Kelly	Neary	Trahan
Booth	Everett	Kenyon	Norton	Tyler
Bourke	Fearon	Kiernan	Parker	Ullman
Brady	Fenner	Lattin	Patrzykowski	Van Wagenen J
Brundage	Flynn	Lee	Peck	Van Wagenen S B
Burchill	Forbell	Leininger	Pellet	Walrath
Campbell	Fox	Lentol	Pette	Webb
Carroll J T	Gage	Lindsay	Reilly	Wells
Carroll W G	Gardner	Long	Reynaud	Westall
Caulfield	Gempler	Lord	Rice	Wheelock
Chamberlin	Gillette E V	Lown	Richford	Whitcomb
Cheney	Gillett R H	MacFarland	Roosevelt	Williams
Cole	Hager	Machold	Ross	Wilson
Cosgrove	Halpern	Martin	Rowe	Wiswall
Cowee	Hamill	McCue	Schwab	Witter
Cross	Harrington	McDonald	Seaker	Zimmerman
Crowley	Harris			

In the negative:

Donohue

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 52, Int. No. 52) entitled "Concurrent resolution of the Senate and Assembly proposing an amendment to sections eighteen and nineteen of article one of the Constitution, in relation to damages for injuries causing death, laws for the protection

of the lives, health or safety of employees, and workmen's compensation for injuries or death, from accidents or occupational diseases," was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 2252, Int. No. 1377) entitled "An act to amend the General City Law, in relation to the power of certain cities to grant franchises and similar matters," was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	Van Wagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Wallace
Campbell	Forbeli	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 2243, Int. No. 1280) entitled "An act to amend the Greater New York charter, in relation to the method of paying for paving of streets," was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Blach	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 2249, Int. No. 1657) entitled "An act to amend the Real Property Law, to provide for a short form for a general power of attorney," was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Smith C C

Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 2244, Int. No. 1656) entitled "An act to amend the Personal Property Law, to provide a short form for a general power of attorney," was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler

Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The Senate bill (No. 446, Rec. No. 95) entitled "An act to amend the Insanity Law, in relation to empowering the State Hospital Commission to act as a committee of the estates of certain incompetent persons," was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Simpson
Ames D H	Damico	Hausner	McKee	Slacer
Ames H L	Davies	Hawkins	McLaughlin J F	Smith C C
Amos	Dickstein	Healey	McLoughlin J J	Smith M L
Barra	Dimin	Henderson	McWhinney	Smith O J
Baum	Dobson F	Hunter	Mead	Soule
Beasley	Dobson G A	Hutchinson	Miller	Steinberg
Betts	Doherty	Jacobs	Moore	Stitt
Blakely	Donohoe	Jeffery	Morrissey	Tallett
Bloch	Donohue	Jenks	Moss	Taylor
Blodgett	Downs	Jesse	Mullen	Thayer
Bloomfield	Duke	Judson	Neary	Trahan
Bly	Easton	Kelly	Norton	Tyler
Booth	Evans	Kenyon	Parker	Ullman
Bourke	Everett	Kiernan	Patrzykowski	VanWagenen J
Brady	Fearon	Lattin	Peck	VanWagenenSB
Brundage	Fenner	Lee	Pellet	Wallace
Burchill	Flynn	Leininger	Pette	Walrath
Campbell	Forbell	Lentol	Reilly	Webb

Carroll J T	Fox	Lindsay	Reynaud	Wells
Carroll W G	Gage	Long	Rice	Westall
Caulfield	Gardner	Lord	Richford	Wheelock
Chamberlin	Gempler	Lown	Roosevelt	Whitcomb
Cheney	Gillette E V	MacFarland	Ross	Williams
Cole	Gillett R H	Machold	Rowe	Wilson
Cosgrove	Hager	Martin	Schwab	Wiswall
Cowee	Halpern	McArdle	Seaker	Witter
Cross	Hamill	McCue	Seelbach	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

On motion of Mr. R. H. Gillett, the committee on rules was instructed to report Senate bill (No. 2226, Rec. No. 866) entitled "An act to incorporate the National Guard Memorial Association."

On motion of Mr. R. H. Gillett, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. R. H. Gillett, and by unanimous consent, said bill was read the third time, having been printed and on the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenen SB
Burchill	Flynn	Lee	Pellet	Walrath

Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitecomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cröss	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The bill (No. 2248, Int. No. 1710) entitled "An act to incorporate the National Guard Memorial Association," having been announced for a third reading,

On motion of Mr. R. H. Gillett, said bill was laid aside, and ordered stricken from the calendar.

The bill (No. 1983, Int. No. 625) entitled "An act to amend the Tax Law, in relation to taxation of corporations," having been announced for a third reading,

On motion of Mr. Judson, said bill was laid aside, and ordered stricken from the calendar.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *April 24, 1920.*

Resolved (if the Assembly concur). That a respectful message be sent to the Governor, requesting the return of the Senate bill (No. 1901, Rec. No. 569) entitled "An act to amend the Railroad Law, in relation to coal jimmies and caboose cars," for the purpose of amendment.

By order of the Senate,

ERNEST A. FAY,

Clerk

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

On motion of Mr. Adler, the House took a recess of twenty minutes.

The House again convened.

Mr. Fearon gives notice that he requests that the Senate bill introduced by Mr. Walton (No. 2260, Rec. No. 569) entitled "An act to amend the Railroad Law, in relation to coal jimmies and caboose cars," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Fearon gives notice that he requests that the Senate bill introduced by Mr. Walters (No. 1829, Rec. No. 779) entitled "An act to amend the Tax Law, in relation to distribution of the income tax," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Machold gives notice that he requests that the Senate bill introduced by Mr. Gibbs (No. 1435, Assembly Printed No. 2264, Rec. No. 294) entitled "An act making an appropriation for the State Institute for the Study of Malignant Disease, for the purchase, care and use of radium," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Adler gives notice that he requests that the Senate bill introduced by Mr. Abeles (No. 1230, Rec. No. 503) entitled "An act to amend the Public Health Law, in relation to the practice of undertaking," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Donohue gives notice that he requests that the Senate bill introduced by Mr. Boylan (No. 1024, Rec. No. 836) entitled "An act to enable the Board of Regents of the University of the State of New York to certify to the Board of Law Examiners appli-

cants for admission to the bar," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Wells gives notice that he requests that the Senate bill introduced by Mr. Burlingame (No. 1677, Rec. No. 833) entitled "An act to amend the Greater New York charter, in relation to the powers of the retirement board in the board of education," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Wells gives notice that he requests that the Senate bill introduced by Mr. Burlingame (No. 2062, Rec. No. 834) entitled "An act in relation to the salary of the district attorney of the county of Kings," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Wells gives notice that he requests that the Senate bill introduced by Mr. Burlingame (No. 2224, Rec. No. 813) entitled "An act to amend the Election Law, in relation to primary day," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Donohue gives notice that he requests that the Senate bill introduced by Mr. Cotillo (No. 1872, Rec. No. 808) entitled "An act to amend the General Municipal Law, in relation to local boards of child welfare," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Judson gives notice that he requests that the Senate bill introduced by Mr. Davenport (No. 1572, Rec. No. 685) entitled "An act to amend the Tax Law, in relation to penalties for viola-

tion of provisions relative to personal income taxes," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Kiernan gives notice that he requests that the Senate bill introduced by Mr. Farrell (No. 1688, Rec. No. 663) entitled "An act to amend the Education Law, in relation to the retirement from active service of employees of boards of education, other than superintendents and teachers, in cities having a population of one hundred thousand or more," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Donohue gives notice that he requests that the Senate bill introduced by Mr. Gibbs (No. 1922, Rec. No. 839) entitled "An act to amend the Public Health Law, in relation to the department of narcotic drug control," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Fearon gives notice that he requests that the Senate bill introduced by Mr. Gibbs (No. 2208, Rec. No. 815) entitled "An act to create a commission to represent the State of New York at hearings before the International Joint Commission on Boundary Waters created under and by virtue of article nine of the convention concluded on January eleventh, nineteen hundred and nine, between the United States and the Dominion of Canada, and making an appropriation therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Hager gives notice that he requests that the Senate bill introduced by Mr. Hewitt (No. 1699, Rec. No. 397) entitled "An act to amend the Real Property Law, in relation to the sale, mortgaging, or leasing in certain cases, of real property held by a tenant for life or held in trust," a copy of which is hereto annexed,

be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Pellet gives notice that he requests that the Senate bill introduced by Mr. Kaplan (No. 2210, Rec. No. 841) entitled "An act making an appropriation for an exhibit of agriculture and dairying at the New York Milk and Child Health Exposition to be held at New York city," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Donohue gives notice that he requests that the Senate bill introduced by Mr. Kaplan (No. 2145, Rec. No. 757) entitled "An act to amend chapter one hundred and fifty-two of the Laws of eighteen hundred and ninety-four, entitled 'An act providing for the improvement of the land and water front adjacent to Riverside park in the city of New York by extending and improving said park, and regulating the use of said land and water front,' in relation to the maintenance of objectionable businesses upon certain lands in the city of New York," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Donohue gives notice that he requests that the Senate bill introduced by Mr. Kaplan (No. 2161, Rec. No. 756) entitled "An act creating a commission to investigate and report on the proposed Roosevelt memorials, and making an appropriation therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Blakely gives notice that he requests that the Senate bill introduced by Mr. Law (No. 2248, Rec. No. 818) entitled "An act to amend the County Law, in relation to coroners in Westchester county," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the com-

mittee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Machold gives notice that he requests that the Senate bill introduced by Mr. Pitcher (No. 2195, Rec. No. 822) entitled "An act to amend chapter eight hundred and thirty-four of the Laws of eighteen hundred and sixty-nine, entitled 'An act to amend the act incorporating the village of Carthage, in the county of Jefferson,' in relation to the clerk and collector of such village," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Bloch gives notice that he requests that the Senate bill introduced by Mr. Sage (No. 2052, Rec. No. 869) entitled "Concurrent resolution of the Senate and Assembly proposing an amendment to section eighteen of article six of the Constitution, in relation to children's courts and courts of domestic relations," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Wiswall gives notice that he requests that the Senate bill introduced by Mr. Sage (No. 2227, Rec. No. 849) entitled "An act authorizing the construction of Barge canal grain terminals at Gowanus bay, in the city of New York, and at Oswego, and making appropriation therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rule for the purpose of making said bill a special order on second and third reading.

Mr. Fearon gives notice that he requests that the Senate bill introduced by Mr. Sage (No. 1532, Rec. No. 861) entitled "An act to amend the Public Service Commissions Law, in relation to railroads operating within Barge canal terminals," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Machold gives notice that he requests that the Senate bill introduced by Mr. Walters (No. 2182, Rec. No. 827) entitled "An act making an additional appropriation for the construction of a tunnel or tunnels jointly with the State of New Jersey, for vehicular and pedestrian traffic under the Hudson river and between the States of New York and New Jersey," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. C. C. Smith gives notice that he requests that the Senate bill introduced by Mr. Yelverton (No. 2143, Rec. No. 784) entitled "An act to provide for the construction of a bridge over the unimproved Champlain canal at Broad street, Waterford, and making an appropriation therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Donohue gives notice that he requests that the Senate bill introduced by Mr. Cotillo (No. 2131, Rec. No. 786) entitled "An act to amend the General Business Law, in relation to the effect of waiver of the statutory protection of a person who has deposited or advanced money on a contract for the use or rental of personal property," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Cheney gives notice that he requests that the Senate bill introduced by Mr. Gibbs (No. 2231, Rec. No. 838) entitled "An act to amend the General Municipal Law, in relation to acquisition of lands and erection of memorial buildings in commemoration of the services of soldiers, sailors and marines in the World War," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Donohue gives notice that he requests that the Senate bill introduced by Mr. Walker (No. 2250, Rec. No. 222) entitled

"An act allowing and regulating boxing and sparring matches, and establishing a State boxing commission, and making an appropriation therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Donohue gives notice that he requests that the Senate bill introduced by Mr. Lynch (No. 2220, Rec. No. 847) entitled "An act authorizing the police commissioner of the city of New York to rehear the charges upon which George S. Riley was dismissed from the police department of such city and to reinstate him in the position formerly held by him," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Machold gives notice that he requests that the Senate bill introduced by Mr. G. L. Thompson (No. 1992, Rec. No. 800) entitled "An act to amend the Insanity Law, in relation to costs where patient is found sane or not committed," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Jeffery gives notice that he requests that the Senate bill introduced by Mr. G. F. Thompson (No. 1928, Rec. No. 774) entitled "An act to amend chapter four hundred and twenty-two of the Laws of eighteen hundred and ninety-four, entitled 'An act to make the office of the county clerk of Niagara county a salaried office, and regulating the management of said office,' in relation to the amounts of salary in such office," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Machold gives notice that he requests that the Senate bill introduced by Mr. Sage (No. 1777, Rec. No. 870) entitled "Concurrent resolution of the Senate and Assembly proposing an amendment to section eleven of article eight of the Constitution, in relation to the State Board of Charities, the State Commission

in Lunacy and the State Commission or Commissioners on Mental Hygiene," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Blakely gives notice that he requests that the Senate bill introduced by Mr. Law (No. 1961, Assembly Printed No. 2272, Rec. No. 640) entitled "Concurrent resolution of the Senate and Assembly proposing an amendment to sections twenty-six and twenty-seven of article three of the Constitution to enable the Legislature to provide forms of government for the counties of Westchester and Nassau," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Leininger gives notice that he requests that the Senate bill introduced by Mr. McGarry (No. 1017, Rec. No. 848) entitled "An act to amend an act entitled 'An act providing for the laying out, opening and improving of one or more public streets or boulevards across Jamaica bay, from the bulkhead line on the northerly side thereof to the bulkhead line on the southerly side thereof in the city of New York, and for defraying the cost of such improvement,' and known as chapter five hundred and thirty-eight of the Laws of nineteen hundred and eighteen, so as to provide for the amendment of the map or plan of said street or boulevard and for the authorization of the construction thereof without action by any local board of the city of New York," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Taylor gives notice that he requests that the Senate bill introduced by Mr. Ramsperger (No. 884, Rec. No. 612) entitled "An act to authorize the preparation of a base map of the State by the State Engineer and Surveyor, and making an appropriation therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the commit-

tee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Gardner gives notice that he requests that the Senate bill introduced by Mr. Towner (No. 716, Rec. No. 865) entitled "An act to amend the Judiciary Law, in relation to the admission of certain persons to practice as attorneys and counselors-at-law without examination," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Donohue gives notice that he requests that the Senate bill introduced by Mr. Sage (No. 2258, Rec. No. 853) entitled "An act making an appropriation for certain expenses incurred by the Public Service Commission of the first district in defense of the constitutionality of certain statutes," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Fearon gives notice that he requests that the Senate bill introduced by Mr. Sage (No. 2252, Rec. No. 872) entitled "Concurrent resolution of the Senate and Assembly proposing amendments to article five of the Constitution, in relation to State officers and departments," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Gardner gives notice that he requests that the Senate bill introduced by Mr. Towner (No. 2121, Rec. No. 723) entitled "An act to provide for the construction of a bridge over Wappingers creek at New Hamburg, Dutchess county, and making an appropriation therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Caulfield gives notice that he requests that the Senate bill introduced by Mr. Lockwood (No. 2069, Rec. No. 859) entitled "An act to amend chapter one hundred and ten of the Laws of

eighteen hundred and nineteen, entitled 'An act to incorporate the General Synod of the Reformed Protestant Dutch Church,' generally," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Fearon gives notice that he requests that the Senate bill introduced by Mr. Sage (No. 2264, Rec. No. 873) entitled "Concurrent resolution of the Senate and Assembly proposing amendments to article five of the Constitution, in relation to State officers and departments," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Fearon gives notice that he requests that the Senate bill introduced by Mr. Sage (No. 2263, Rec. No. 871) entitled "Concurrent resolution of the Senate and Assembly proposing amendments to article five of the Constitution, in relation to State officers and departments," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Bloch gives notice that he requests that the Senate bill introduced by Mr. Kelly (No. 2183, Rec. No. 843) entitled "An act to amend the Judiciary Law, in relation to the appointment and the salaries of the employees of the Appellate Division of the Supreme Court in the first judicial department," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. McCue gives notice that he requests that the Senate bill introduced by Mr. Kelly (No. 2109, Rec. No. 796) entitled "An act to amend the Tax Law, in relation to the jurisdiction of surrogates," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Hawkins gives notice that he requests that the Senate bill introduced by Mr. Cotillo (No. 1591, Rec. No. 837) entitled "An act authorizing the board of estimate and apportionment of the city of New York to pay the claim of Mary J. McNamara for damages to rental property caused by the construction of a subway in such city," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Donohue gives notice that he requests that the Senate bill introduced by Mr. Downing (No. 2265, Rec. No. 857) entitled "An act to amend the Greater New York charter, in relation to issuing certificates of indebtedness for the payment of certain school expenses," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Crowley gives notice that he requests that the Assembly bill (No. 1204, Int. No. 1079) entitled "An act to protect persons performing labor or furnishing materials for construction, alteration or repair of public work," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Everett gives notice that he requests that the Assembly bill (No. 1102, Int. No. 997) entitled "An act making an appropriation for general extension work in agriculture and home economics among the Indians residing on reservations in the State of New York," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. O. J. Smith gives notice that he requests that the Assembly bill (No. 2040, Int. No. 707) entitled "An act to amend the Code of Civil Procedure, in relation to presumption of death and time in which actions, depending on the death of a person, may be commenced," a copy of which is hereto annexed, be made

a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. O. J. Smith gives notice that he requests that the Assembly bill (No. 541, Int. No. 505) entitled "An act to amend the Code of Civil Procedure, in relation to service of certain notices," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Fenner gives notice that he requests that the Assembly bill (No. 22, Int. No. 22) entitled "An act to amend the Education Law, in relation to the designation of the School of Home Economics in the New York State College of Agriculture at Cornell University as the New York State College of Home Economics at Cornell University, and to provide for its administration; and making an appropriation therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. McGinnies gives notice that he requests that the Assembly bill (No. 2046, Int. No. 664) entitled "An act to amend the charter of the city of Jamestown, in relation to the estimate, amount and payment of charges for water and electricity used by the city for public purposes and the levying and collection of taxes therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. McCue gives notice that he requests that the Senate bill introduced by Mr. Kaplan (No. 1716, Assembly Reprint No. 2280, Rec. No. 485) entitled "An act to amend the Education Law, in relation to State scholarships for honorably discharged soldiers, sailors, and marines, and making an appropriation therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on

rules for the purpose of making said bill a special order on second and third reading.

Mr. Wiswall gives notice that he requests that the Senate bill introduced by Mr. Sage (No. 2268, Rec. No. 874) entitled "An act making appropriation for the payment of contingent expenses of the State Department of Excise," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Downs gives notice that he requests that the Senate bill introduced by Mr. G. L. Thompson (No. 2054, Rec. No. 671) entitled "An act to amend the Conservation Law, in relation to power of the Commission to take fish," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Machold gives notice that he requests that the Senate bill introduced by Mr. Law (No. 2233, Rec. No. 846) entitled "An act to amend the Labor Law, in relation to one day of rest in seven," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Machold gives notice that he requests that the Senate bill introduced by Mr. Lusk (No. 1352, Rec. No. 268) entitled "An act to amend the Public Service Commissions Law, in relation to liability for violations of chapter," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Caulfield gives notice that he requests that the resolution providing for a joint committee to examine the Election Laws, a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said resolution a special order.

Mr. J. J. McLoughlin gives notice that he requests that the concurrent resolution in relation to the patriotism and courage and devotion of the members of the National Guard and other

citizens who served and volunteered and were drafted in the Army and Navy in the World War, and the noble women who rendered such valuable service, etc., a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said resolution a special order.

Mr. Speaker from the committee on rules, to which was referred Senate bill introduced by Mr. Walton (No. 1901, Rec. No. 569) entitled "An act to amend the Railroad Law, in relation to coal jimmies and caboose cars," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Walters (No. 1829, Assembly Reprint No. 2281, Rec. No. 779) entitled "An act to amend the Tax Law, in relation to distribution of the income tax," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Gibbs (No. 1435, Assembly Reprint No. 2264, Rec. No. 294) entitled "An act making an appropriation for the State Institute for the Study of Malignant Disease, for the purchase, care and use of radium," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Abeles (No. 1230, Rec. No. 503) entitled "An act to amend the Public Health Law, in relation to the practice of undertaking," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Boylan (No. 1024, Rec. No. 836) entitled "An act to enable the Board of Regents of the University of the State of New York to certify to the Board of Law Examiners applicants for admission to the bar," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Burlingame (No. 1677, Rec. No. 833) entitled "An act to amend the Greater New York charter, in relation to the powers of the retirement board in the board of education," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Burlingame (No. 2062, Rec. No. 834) entitled "An act in relation to the salary of the district attorney of the county of Kings," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Burlingame (No. 2224, Rec. No. 813) entitled "An act to amend the Election Law, in relation to primary day," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Cutillo (No. 1872, Rec. No. 808) entitled "An act to amend the General Municipal Law, in relation to local boards of child welfare," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Davenport (No. 1572, Rec. No. 685) entitled "An act to amend the Tax Law, in relation to penalties for violation of provisions relative to personal income taxes," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Farrell (No. 1688, Rec. No. 663) entitled "An act to amend the Education Law, in relation to the retirement from active service of employees of boards of education, other than superintendents and teachers,

in cities having a population of one hundred thousand or more," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Gibbs (No. 1922, Rec. No. 839) entitled "An act to amend the Public Health Law, in relation to the department of narcotic drug control," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. Gibbs (No. 2208, Rec. No. 815) entitled "An act to create a commission to represent the State of New York at hearings before the International Joint Commission on Boundary Waters created under and by virtue of article nine of the convention concluded on January eleventh, nineteen hundred and nine, between the United States and the Dominion of Canada, and making an appropriation therefor," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Hewitt (No. 1699, Rec. No. 379) entitled "An act to amend the Real Property Law, in relation to the sale, mortgaging, or leasing in certain cases, of real property held by a tenant for life or held in trust," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Kaplan (No. 2210, Rec. No. 841) entitled "An act making an appropriation for an exhibit of agriculture and dairying at the New York Milk and Child Health Exposition to be held at New York city," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Kaplan (No. 2145, Rec. No. 757) entitled "An act to amend chapter one hundred and fifty-two of the Laws of eighteen hundred and ninety-four, entitled 'An act providing for the improvement of the land and

water front adjacent to Riverside park in the city of New York by extending and improving said park, and regulating the use of said land and water front,' in relation to the maintenance of objectionable businesses upon certain lands in the city of New York," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Kaplan (No. 2161, Rec. No. 756) entitled "An act creating a commission to investigate and report on the proposed Roosevelt memorials, and making an appropriation therefor," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Law (No. 2248, Rec. No. 818) entitled "An act to amend the County Law, in relation to coroners in Westchester county," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Pitcher (No. 2195, Rec. No. 822) entitled "An act to amend chapter eight hundred and thirty-four of the Laws of eighteen hundred and sixty-nine, entitled 'An act to amend the act incorporating the village of Carthage in the county of Jefferson,' in relation to the clerk and collector of such village," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Sage (No. 2052, Rec. No. 869) entitled "Concurrent resolution of the Senate and Assembly proposing an amendment to section eighteen of article six of the Constitution, in relation to children's courts and courts of domestic relations," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Sage (No. 2227, Rec. No. 849) entitled "An act authorizing the construction of Barge canal grain terminals at Gowanus bay, in the city of New York, and at Oswego, and making an appropriation therefor," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Sage (No. 1532, Rec. No. 861) entitled "An act to amend the Public Service Commissions Law, in relation to railroads operating within Barge canal terminals," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Walters (No. 2182, Rec. No. 827) entitled "An act making an additional appropriation for the construction of a tunnel or tunnels jointly with the State of New Jersey, for vehicular and pedestrian traffic under the Hudson river and between the States of New York and New Jersey," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Yelverton (No. 2143, Rec. No. 784) entitled "An act to provide for the construction of a bridge over the unimproved Champlain canal at Broad street, Waterford, and making an appropriation therefor," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Cotillo (No. 2131, Rec. No. 786) entitled "An act to amend the General Business Law, in relation to the effect of waiver of the statutory protection of a person who has deposited or advanced money on a contract for the use or rental of personal property," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Gibbs (No. 2231, Rec. No. 838) entitled "An act to amend the General Municipal Law, in relation to acquisition of lands and erection of memorial buildings in commemoration of the services of soldiers, sailors and marines in the World War," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Walker (No. 1294, Assembly Reprint No. 2250, Rec. No. 222) entitled "An act allowing and regulating boxing and sparring matches, and establishing a State boxing commission, and making an appropriation therefor," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Machold, Fearon, Blakely, Donohue, Taylor. In the negative: Mr. Adler.

Also, Senate bill introduced by Mr. Lynch (No. 2220, Rec. No. 847) entitled "An act authorizing the police commissioner of the city of New York to rehear the charges upon which George S. Riley was dismissed from the police department of such city, and to reinstate him in the position formerly held by him," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. G. L. Thompson (No. 1992, Rec. No. 800) entitled "An act to amend the Insanity Law, in relation to costs where patient is found sane or not committed," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. G. F. Thompson (No. 1928, Rec. No. 774) entitled "An act to amend chapter four hundred and twenty-two of the Laws of eighteen hundred and ninety-four, entitled 'An act to make the office of the county clerk of Niagara county a salaried office, and regulating the management of said office,' in relation to the amounts of salary in such office," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Sage (No. 1777, Rec. No. 870) entitled "Concurrent resolution of the Senate and Assembly proposing an amendment to section eleven of article eight of the Constitution, in relation to the State Board of Charities, the State Commission in Lunacy and the State Commission or Commissioners on Mental Hygiene," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Law (No. 1961, Rec. No. 640) entitled "Concurrent resolution of the Senate and Assembly proposing an amendment to sections twenty-six and twenty-seven of article three of the Constitution to enable the Legislature to give greater control over local affairs," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. McGarry (No. 1017, Rec. No. 848) entitled "An act to amend an act entitled 'An act providing for the laying out, opening and improving of one or more public streets or boulevards across Jamaica bay, from the bulkhead line on the northerly side thereof to the bulkhead line on the southerly side thereof in the city of New York, and for defraying the cost of such improvement,' and known as chapter five hundred and thirty-eight of the Laws of nineteen hundred and eighteen, so as to provide for the amendment of the map or plan of said street or boulevard and for the authorization of the construction thereof without action by any local board of the city of New York," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Ramsperger (No. 884, Rec. No. 612) entitled "An act to authorize the preparation of a base map of the State by the State Engineer and Surveyor, and making an appropriation therefor," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Towner (No. 716, Rec. No. 865) entitled "An act to amend the Judiciary Law, in relation to the admission of certain persons to practice as attorneys and counselors-at-law without examination," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Sage (No. 2258, Rec. No. 853) entitled "An act making an appropriation for certain expenses incurred by the Public Service Commission of the first district in defense of the constitutionality of certain statutes," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Sage (No. 2252, Rec. No. 872) entitled "Concurrent resolution of the Senate and Assembly proposing amendments to article five of the Constitution, in relation to State officers and departments," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Towner (No. 2121, Rec. No. 723) entitled "An act to provide for the constrsuction of a bridge over Wappingers creek at New Hamburg, Dutchess county, and making an appropriation therefor," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Lockwood (No. 2069, Rec. No. 859) entitled "An act to amend chapter one hundred and ten of the Laws of eighteen hundred and nineteen, entitled 'An act to incorporate the General Synod of the Reformed Protestant Dutch Church,' generally," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Sage (No. 2264, Rec. No. 873) entitled "Concurrent resolution of the Senate and Assembly proposing amendments to article five of the Constitution, in relation to State officers and departments," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Sage (No. 2263, Rec. No. 871) entitled "Concurrent resolution of the Senate and Assembly proposing amendments to article five of the Constitution, in relation to State officers and departments," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Kelly (No. 2183, Rec. No. 843) entitled "An act to amend the Judiciary Law, in relation to the appointment and the salaries of the employees of the Appellate Division of the Supreme Court in the first judicial department," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Kelly (No. 2109, Rec. No. 796) entitled "An act to amend the Tax Law, in relation to the jurisdiction of surrogates," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Cotillo (No. 1591, Rec. No. 837) entitled "An act authorizing the board of estimate and apportionment of the city of New York to pay the claim of Mary J. McNamara for damages to rental property caused by the construction of a subway in such city," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Downing (No. 2265, Rec. No. 857) entitled "An act to amend the Greater New York charter, in relation to issuing certificates of indebtedness for the pay-

ment of certain school expenses," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

and that the same be made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported, which report was agreed to, and said bills ordered made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported.

Mr. Speaker, from the committee on rules, to which was referred Assembly bill introduced by Mr. Crowley (No. 1204, Int. No. 1079) entitled "An act to protect persons performing labor or furnishing materials for construction, alteration or repair of public work," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Assembly bill introduced by Mr. Everett (No. 1102, Int. No. 997) entitled "An act making an appropriation for general extension work in agriculture and home economics among the Indians residing on reservations in the State of New York," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Assembly bill introduced by Mr. O. J. Smith (No. 2040, Int. No. 707) entitled "An act to amend the Code of Civil Procedure, in relation to presumption of death and time in which actions, depending on the death of a person, may be commenced," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Assembly bill introduced by Mr. O. J. Smith (No. 541, Int. No. 505) entitled "An act to amend the Code of Civil Procedure, in relation to service of certain notices," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Assembly bill introduced by Mr. Fenner (No. 22, Int. No. 22) entitled "An act to amend the Education Law, in relation to the designation of the School of Home Economics in the New York State College of Agriculture at Cornell University as the New York State College of Home Economics at Cornell University and to provide for its administration; and making an appropriation therefor," reported in favor of the passage of the same without amendments.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

and that the same be made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported, which report was agreed to, and said bills ordered made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported.

Mr. Speaker, from the committee on rules, to which was referred Senate bill introduced by Mr. Fowler (No. 2046, Assembly Printed No. 2279, Rec. No. 664) entitled "An act to amend the charter of the city of Jamestown, in relation to the estimate amount and payment of charges for water and electricity used by the city for public purposes and the levying and collection of taxes therefor," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Kaplan (No. 1761, Assembly Printed No. 2280, Rec. No. 485) entitled "An act to amend the Education Law, in relation to State scholarships for honorably discharged soldiers, sailors, and marines, and making an appropriation therefor," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Sage (No. 2268, Rec. No. 874) entitled "An act making appropriation for the payment of contingent expenses of the State Department of Excise," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

Also, Senate bill introduced by Mr. G. L. Thompson (No. 2054, Rec. No. 671) entitled "An act to amend the Conservation Law, in relation to power of the commission to take fish," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

Also, Senate bill introduced by Mr. Law (No. 2233, Rec. No. 846) entitled "An act to amend the Labor Law, in relation to one day of rest in seven," reported in favor of the passage of the same without amendment.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Blakely, Donohue, Taylor.

and that the same be made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported, which report was agreed to, and said bills ordered made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported.

Mr. Speaker, from the committee on rules, to which was referred Senate bill introduced by Mr. Lusk (No. 1352, Rec. No. 268) entitled "An act to amend the Public Service Commissions Law, in relation to liability for violations of chapter," retaining its place on the order of third reading, reported in favor of the passage of the same with the following amendments:

Page 2, line 24, after the word "within" strike out the words "two years" and insert in place thereof in italics the words "one year".

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.

and that the same be reprinted, as amended, and re-engrossed and that when it shall have been on the desks of the members three calendar days it be made a special order on third reading immediately.

Which report was agreed to, and said bill ordered reprinted, as amended, and re-engrossed and when it shall have been on the

desks of the members three calendar legislative days it be made a special order on third reading immediately.

Mr. Speaker, from the committee on rules, to which was referred the concurrent resolution relative to the appointment of a joint legislative committee to examine the Election Law, reported in favor of the adoption of the same.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor, which report was agreed to.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 138

NOES 00

Those who voted in the affirmative were:

Adler	Ouvillier	Harris	McGinnies	Seelbach
Ames D B	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Speaker, from the committee on rules, to which was referred the concurrent resolution relative to holding appropriate ceremonies in celebration of Dewey's victory in Manila Bay, reported in favor of the adoption of the same.

Those who voted in the affirmative were: Messrs. Sweet, Adler, Machold, Fearon, Donohue, Taylor.
which report was agreed to.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the Senate bill (No. 1901, Rec. No. 569) entitled "An act to amend the Railroad Law, in relation to coal jimmies and caboose cars."

On motion of Mr. Simpson, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 1399, Printed No. 1901) entitled "An act to amend the Railroad Law, in relation to coal jimmies and caboose cars," as amended.

GIVEN under my hand and the Privy Seal of the State
at the Capitol in the city of Albany this twenty-fourth
[L. s.] day of April in the year of our Lord one thousand
nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,

Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	Van Wagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1829, Assembly Reprint No. 2281, Rec. No. 779) entitled "An act to amend the Tax Law, in relation to distribution of the income tax."

On motion of Mr. Judson, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 1319, Printed No. 1829) entitled "An act to amend the Tax Law, in relation to distribution of the income tax," as amended.

GIVEN under my hand and the Privy Seal of the State
at the Capitol in the city of Albany this twenty-fourth
[L. s.] day of April in the year of our Lord one thousand
nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg

Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same with amendments.

Mr. Speaker announced the special order, being the Senate bill (No. 1435, Assembly Reprint No. 2264, Rec. No. 294) entitled "An act making an appropriation for the State Institute for the Study of Malignant Disease, for the purchase, care and use of radium."

On motion of Mr. Rowe, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 366, Assembly Reprint No. 2264, Printed No. 1435) entitled

"An act making an appropriation for the State Institute for the Study of Malignant Disease, for the purchase, care and use of radium."

GIVEN under my hand and the Privy Seal of the State
at the Capitol in the city of Albany this twenty-fourth
[L. s.] day of April in the year of our Lord one thousand
nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams

Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same with amendments.

Mr. Speaker announced the special order, being the Senate bill (No. 1230, Rec. No. 503) entitled "An act to amend the Public Health Law, in relation to the practice of undertaking."

On motion of Mr. Lee, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gago	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson

Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1024, Rec. No. 836) entitled "An act to enable the Board of Regents of the University of the State of New York to certify to the Board of Law Examiners applicants for admission to the bar."

On motion of Mr. Donohue, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb

Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1677, Rec. No. 833) entitled "An act to amend the Greater New York charter, in relation to the powers of the retirement board in the board of education."

On motion of Mr. Caulfield, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLouglin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock

Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2062, Rec. No. 834) entitled "An act in relation to the salary of the district attorney of the county of Kings."

On motion of Mr. Simpson, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb

Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2224, Rec. No. 813) entitled "An act to amend the Election Law, in relation to primary day."

On motion of Mr. Martin, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagener SB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams

Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1872, Rec. No. 808) entitled "An act to amend the General Municipal Law, in relation to local boards of child welfare."

On motion of Mr. McCue, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen SB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams

Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1572, Rec. No. 685) entitled "An act to amend the Tax Law, in relation to penalties for violation of provisions relative to personal income taxes."

On motion of Mr. Judson, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Fenyon	Parker	Van Wagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb

Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1688, Rec. No. 663) entitled "An act to amend the Education Law, in relation to the retirement from active service of employees of boards of education, other than superintendent and teachers, in cities having a population of one hundred thousand or more."

On motion of Mr. Tallett, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths present.

AYES 144

NOES 00

These who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb

Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitecomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Covee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1922, Rec. No. 839) entitled "An act to amend the Public Health Law, in relation to the department of narcotic drug control."

On motion of Mr. Kenyon, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 1

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Seelbach
Ames D H	Damico	Harris	McGinnies	Simpson
Ames H L	Davies	Hausner	McKee	Slacer
Amos	Dickstein	Hawkins	McLaughlin J F	Smith C C
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tvler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	Van Wagenen J
Brady	Fearon	Kiernan	Patrzykowski	Van Wagenen SB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath

Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue		

In the negative:

Smith M L

Ordered; That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2208, Rec. No. 815) entitled "An act to create a commission to represent the State of New York at hearings before the International Joint Commission on Boundary Waters created under and by virtue of article nine of the convention concluded on January eleventh, nineteen hundred and nine, between the United States and the Dominion of Canada, and making an appropriation therefor."

On motion of Mr. Brady, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Danico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg

Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Duke	Jenks	Moss	Thayer
Bloomfield	Downs	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1699, Rec. No. 379) entitled "An act to amend the Real Property Law, in relation to the sale, mortgaging, or leasing in certain cases, of real property held by a tenant for life or held in trust."

On motion of Mr. Martin, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J

Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2210, Rec. No. 841) entitled "An act making an appropriation for an exhibit of agriculture and dairying at the New York Milk and Child Health Exposition to be held at New York city."

On motion of Mr. Machold, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C

Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	Van Wagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2145, Rec. No. 757) entitled "An act to amend chapter one hundred and fifty-two of the Laws of eighteen hundred and ninety-four, entitled 'An act providing for the improvement of the land and water front adjacent to Riverside park in the city of New York by extending and improving said park, and regulating the use of said land and water front,' in relation to the maintenance of objectionable businesses upon certain lands in the city of New York."

On motion of Mr. Pellet, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitecomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2161, Rec. No. 756) entitled "An act creating a commission to investigate and report on the proposed Roosevelt memorials, and making an appropriation therefor."

On motion of Mr. Wells, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2248, Rec. No. 818) entitled "An act to amend the County Law, in relation to coroners in Westchester county."

On motion of Mr. Moore, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify

to the necessity of the immediate passage of Senate bill (Int. No. 1725, Printed No. 2248) entitled "An act to amend the County Law, in relation to coroners in Westchester county."

GIVEN under my hand and the Privy Seal of the State
at the Capitol in the city of Albany this twenty-third
[L. S.] day of April in the year of our Lord one thousand
nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES' 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson

Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seefbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2195, Rec. No. 822) entitled "An act to amend chapter eight hundred and thirty-four of the Laws of eighteen hundred and sixty-nine, entitled 'An act to amend the act incorporating the village of Carthage, in the county of Jefferson,' in relation to the clerk and collector of such village."

On motion of Mr. Machold, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days before its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES' 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall

Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitecomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2052, Rec. No. 869) entitled "Concurrent resolution of the Senate and Assembly proposing an amendment to section eighteen of article six of the Constitution, in relation to children's courts and courts of domestic relations."

On motion of Mr. Adler, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES' 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb

Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2227, Rec. No. 849) entitled "An act authorizing the construction of Barge canal grain terminals at Gowanus bay, in the city of New York, and at Oswego, and making appropriation therefor."

On motion of Mr. Machold, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace

Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leiminger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lowm	Roosevelt	Williams
Cole	Griffith R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Haipern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1532, Rec. No. 861) entitled "An act to amend the Public Service Commissions Law, in relation to railroads operating within Barge canal terminals."

On motion of Mr. Machold, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Flv	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB

Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2182, Rec. No. 827) entitled "An act making an additional appropriation for the construction of a tunnel or tunnels jointly with the State of New Jersey, for vehicular and pedestrian traffic under the Hudson river and between the States of New York and New Jersey."

On motion of Mr. Adler, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan

Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2143, Rec. No. 784) entitled "An act to provide for the construction of a bridge over the unimproved Champlain canal at Broad street, Waterford, and making an appropriation therefor."

On motion of Mr. C. C. Smith, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt

Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Farrenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2131, Rec. No. 786) entitled "An act to amend the General Business Law, in relation to the effect of waiver of the statutory protection of a person who has deposited or advanced money on a contract for the use or rental of personal property."

On motion of Mr. Donohue, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Chuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule

Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitecomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2231, Rec. No. 838) entitled "An act to amend the General Municipal Law, in relation to acquisition of lands and erection of memerial buildings in commemoration of the services of soldiers, sailors and marines in the World War."

On motion of Mr. Slacer, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L

Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assmblly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1294, Assembly Reprint No. 2250, Rec. No. 222) entitled "An act allowing and regulating boxing and sparring matches, and establishing a State boxing commission, and making an appropriation therefor."

On motion of Mr. McCue, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 91

NOES 46

Those who voted in the affirmative were:

Adler	Crowley	Gillett R H	McArdle	Reynaud
Barra	Cuvillier	Griffith	McCue	Roosevelt
Baum	Damico	Halpern	McDonald	Ross

Beasley	Dickstein	Hamill	McKee	Rowe
Blakely	Dimin	Harris	McLaughlin J F	Schwab
Bloch	Dobson F	Hawkins	McLoughlin J J	Seelbach
Bly	Doherty	Healey	McWhinney	Simpson
Bourke	Donohoe	Henderson	Mead	Smith O J
Brady	Donohue	Jeffery	Miller	Steinberg
Brundage	Easton	Jesse	Moore	Stitt
Burchill	Evans	Judson	Morrissey	Taylor
Campbell	Fearon	Kelly	Mullen	Trahan
Carroll J T	Flynn	Kenyon	Neary	Ullman
Carroll W G	Forbell	Kiernan	Parker	Wallace
Caulfield	Fox	Leininger	Patrzykowski	Walrath
Chamberlin	Gardner	Lentol	Pellet	Wells
Cheney	Gempler	Lindsay	Pette	Westall
Cosgrove	Gillette E V	Machold	Reilly	Wiswall
Cross				

Those who voted in the negative were:

Ames D H	Downs	Jacobs	Norton	VanWagenen J
Ames H L	Duke	Jenks	Rice	VanWagenenSB
Betts	Fenner	Lattin	Richford	Webb
Blodgett	Gage	Lee	Slacer	Wheelock
Bloomfield	Hager	Long	Smith C C	Whitecomb
Booth	Harrington	Lord	Smith M L	Williams
Cole	Hausner	Lown	Tallett	Wilson
Cowee	Hunter	Martin	Thayer	Witter
Davies	Hutchinson	McGinnies	Tyler	Zimmerman
Dobson G A				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same with amendments.

Mr. Speaker announced the special order, being the Senate bill (No. 2220, Rec. No. 847) entitled "An act authorizing the police commissioner of the city of New York to rehear the charges upon which George S. Riley was dismissed from the police department of such city, and to reinstate him in the position formerly held by him."

On motion of Mr. Donohue, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 1

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Tibayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	Van Wagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Latting	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Reilly	Webb
Carroll J T	Fox	Lentol	Reynaud	Wells
Carroll W G	Gage	Lindsay	Rice	Westall
Caulfield	Gardner	Long	Richford	Wheelock
Chamberlin	Gempler	Lord	Roosevelt	Whitcomb
Cheney	Gillette E V	Lowm	Ross	Williams
Cole	Gillett R H	MacFarland	Rowe	Wilson
Cosgrove	Griffith	Machold	Schwab	Wiswall
Cowee	Hager	Martin	Seaker	Witter
Cross	Halpern	McArdle	Seelbach	Zimmerman
Crowley	Hamill	McCue		

In the negative:

Pette

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1992, Rec. No. 800) entitled "An act to amend the Insanity Law, in relation to costs where patient is found sane or not committed."

On motion of Mr. McWhinney, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the

affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1928, Rec. No. 774) entitled "An act to amend chapter four hundred and twenty-two of the Laws of eighteen hundred and ninety-four, entitled 'An act to make the office of the county clerk of Niagara county a salaried office, and regulating the management of said office,' in relation to the amounts of salary in such office."

On motion of Mr. Jeffery, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1777, Rec. No. 870) entitled "Concurrent resolution of the Senate and Assembly proposing an amendment to section eleven of article eight of the Constitution, in relation to the State Board of Charities, the State Commission in Lunacy and the State Commission or Commissioners on Mental Hygiene."

On motion of Mr. Adler, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES' 138

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McGinnies	Seelbach
Ames D H	Damico	Hausner	McKee	Simpson
Ames H L	Davies	Hawkins	McLaughlin J F	Slacer
Amos	Dickstein	Healey	McLoughlin J J	Smith C C
Barra	Dimin	Henderson	McWhinney	Smith M L
Baum	Dobson F	Hunter	Mead	Smith O J
Betts	Dobson G A	Hutchinson	Miller	Soule
Blakely	Doherty	Jacobs	Moore	Steinberg
Bloch	Donohoe	Jeffery	Morrissey	Stitt
Blodgett	Donohue	Jenks	Moss	Tallett
Bloomfield	Downs	Jesse	Mullen	Thayer
Bly	Duke	Judson	Neary	Trahan
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	Ullman
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen J
Brundage	Fenner	Lattin	Peck	VanWagenenSB
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Hager	Machold	Rowe	Wiswall
Cowee	Halpern	Martin	Schwab	Witter
Cross	Hamill	McCue	Seaker	Zimmerman
Crowley	Harrington	McDonald		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1961, Rec. No. 640) entitled "Concurrent resolution of the Senate and Assembly proposing an amendment to sections twenty-six and twenty-seven of article three of the Constitution to enable the Legislature to give greater control over local affairs."

On motion of Mr. Blakely, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1017, Rec. No. 848) entitled "An act to amend an act entitled 'An act providing for the laying out, opening and improving of one or more public streets or boulevards across Jamaica

bay, from the bulkhead line on the northerly side thereof to the bulkhead line on the southerly side thereof in the city of New York, and for defraying the cost of such improvement,' and known as chapter five hundred and thirty-eight of the Laws of nineteen hundred and eighteen, so as to provide for the amendment of the map or plan of said street or boulevard and for the authorization of the construction thereof without action by any local board of the city of New York."

On motion of Mr. Donohue, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 884, Rec. No. 612) entitled "An act to authorize the preparation of a base map of the State by the State Engineer and Surveyor, and making an appropriation therefor."

On motion of Mr. Brady, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 716, Rec. No. 865) entitled "An act to amend the Judiciary Law, in relation to the admission of certain persons to practice as attorneys and counselors-at-law without examination."

On motion of Mr. Gardner, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 101

NOES 32

Those who voted in the affirmative were:

Ames D H	Dobson G A	Hausner	Machold	Reynaud
Ames H L	Doherty	Hawkins	Martin	Rice
Baum	Donohoe	Healey	McArdle	Richford
Blakely	Donohue	Henderson	McCue	Schwab
Bloch	Downs	Hunter	McDonald	Seelbach
Bloomfield	Easton	Hutchinson	McGinnies	Smith C C
Booth	Everett	Jacobs	McKee	Smith O J
Brundage	Fearon	Jeffery	McLaughlin J F	Tallett
Burchill	Fenner	Jesse	McLoughlin J J	Thayer
Carroll W G	Flynn	Judson	McWhinney	Trahan
Caulfield	Forbell	Kelly	Mead	Tyler
Chamberlin	Gage	Kenyon	Miller	VanWagenen J
Cheney	Gardner	Kiernan	Moore	VanWagenenSB
Cosgrove	Gillette E V	Lattin	Morrissey	Wallace
Cowee	Gillett R H	Lee	Mullen	Walrath
Cross	Griffith	Leininger	Norton	Webb
Crowley	Hager	Lindsay	Parker	Wells
Damico	Halpern	Long	Patrzykowski	Wheelock
Davies	Hamill	Lord	Pellet	Whitcomb
Dimin	Harris	MacFarland	Reilly	Williams
Dobson F				

Those who voted in the negative were:

Adler	Carroll J T	Gempler	Pette	Ullman
Amos	Cole	Harrington	Roosevelt	Westall
Blodgett	Cuvillier	Jenks	Rowe	Wilson
Bly	Dickstein	Lentol	Simpson	Wiswall
Bourke	Duke	Lown	Smith M L	Witter
Brady	Evans	Neary	Stitt	Zimmerman
Campbell	Fox			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2258, Rec. No. 853) entitled "An act making an appropriation for certain expenses incurred by the Public Service Commission of the first district in defense of the constitutionality of certain statutes."

On motion of Mr. Machold, said bill was read a second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 1730, Printed No: 2258) entitled "An act making an appropriation for certain expenses incurred by the Public Service Commission of the first district in defense of the constitutionality of certain statutes."

GIVEN under my hand and the Privy Seal of the State
at the Capitol in the city of Albany this twenty-fourth
[L. S.] day of April in the year of our Lord one thousand
nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,

Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the mem-

bers elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being Senate bill (No. 2252, Rec. No. 872) entitled "Concurrent resolution of the Senate and Assembly proposing amendments to article five of the Constitution, in relation to State officers and departments."

On motion of Mr. Adler, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Ullman
Booth	Evans	Kelly	Norton	Tyler
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being Senate bill (No. 2121, Rec. No. 723) entitled "An act to provide for the construction of a bridge over Wappingers creek at New Hamburg, Dutchess county, and making an appropriation therefor."

On motion of Mr. Gardner, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen SB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Covee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being Senate bill (No. 2069, Rec. No. 859) entitled "An act to amend chapter one hundred and ten of the Laws of eighteen hundred and nineteen,

entitled 'An act to incorporate the General Synod of the Reformed Protestant Dutch Church,' generally."

On motion of Mr. Simpson, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	HamiH	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being Senate bill (No. 2264, Rec. No. 873) entitled "Concurrent resolution of the Senate and Assembly proposing amendments to article five of the Constitution, in relation to State officers and departments."

On motion of Mr. Wiswall, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen SB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being Senate bill (No. 2263, Rec. No. 871) entitled "Concurrent resolution of the Senate and Assembly proposing amendments to article five of the Constitution, in relation to State officers and departments."

On motion of Mr. Wiswall, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	Van Wagenen J
Brady	Fearon	Kiernan	Patrzykowski	Van Wagenen SB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being Senate bill (No. 2183, Rec. No. 843) entitled "An act to amend the Judiciary Law, in relation to the appointment and the salaries of the employees of the Appellate Division of the Supreme Court in the first judicial department."

On motion of Mr. Donohue, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen SB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being Senate bill (No. 2109, Rec. No. 796) entitled "An act to amend the Tax Law, in relation to the jurisdiction of surrogates."

On motion of Mr. Donohue, said bill was read the second time and ordered to a third reading

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitecomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being Senate bill (No. 1591, Rec. No. 837) entitled "An act authorizing the board of estimate and apportionment of the city of New York to pay the claim of Mary J. McNamara for damages to rental property caused by the construction of a subway in such city."

On motion of Mr. Barra, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen S B
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowie	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being Senate bill (No. 2265, Rec. No. 857) entitled "An act to amend the Greater New York charter, in relation to issuing certificates of indebtedness for the payment of certain school expenses."

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 1731, Printed No. 2265) entitled "An act to amend the Greater New York charter, in relation to issuing certificates of indebtedness for the payment of certain school expenses."

GIVEN under my hand and the Privy Seal of the State
at the Capitol in the city of Albany this twenty-fourth
[L. s.] day of April in the year of our Lord one thousand
nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the bill (No. 1204, Int. No. 1079) entitled "An act to protect persons performing labor or furnishing materials for construction, alteration or repair of public work."

On motion of Mr. Crowley, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 1102, Int. No. 997) entitled "An act making an appropriation for general extension work in agriculture and home economics among the Indians residing on reservations in the State of New York."

On motion of Mr. Everett, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen SB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2040, Int. No. 707) entitled "An act to amend the Code of Civil Procedure, in relation to presumption of death and time in which actions, depending on the death of a person, may be commenced."

On motion of Mr. O. J. Smith, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Hearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 541, Int. No. 505) entitled "An act to amend the Code of Civil Procedure, in relation to service of certain notices."

On motion of Mr. O. J. Smith, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen SB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 22, Int. No. 22) entitled "An act to amend the Education Law, in relation to the designation of the School of Home Economics in the New York State College of Agriculture at Cornell University as the New York State College of Home Economics at Cornell University and to provide for its administration; and making an appropriation therefor."

On motion of Mr. Fenner, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	Van Wagenen J
Brady	Fearon	Kiernan	Patrzykowski	Van Wagenen SB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leiningner	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being Senate bill (No. 2046, Assembly Reprint No. 2279, Rec. No. 664) entitled "An act to amend the charter of the city of Jamestown, in relation to the estimate, amount and payment of charges for water and electricity used by the city for public purposes, and the levying and collection of taxes therefor."

On motion of Mr. McGinnies, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 1408, Printed No. 2046) entitled "An act to amend the charter of the city of Jamestown, in relation to the estimate, amount and payment of charges for water and electricity used by the city for public purposes and the levying and collection of taxes therefor."

GIVEN under my hand and the Privy Seal of the State
at the Capitol in the city of Albany this twenty-fourth
[L. s.] day of April in the year of our Lord one thousand
nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J

Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Fly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same, with amendments.

Mr. Speaker announced the special order, being the Senate bill (No. 1761, Assembly Reprint No. 2280, Rec. No. 485) entitled "An act to amend the Education Law, in relation to State scholarships for honorably discharged soldiers, sailors, and marines, and making an appropriation therefor."

On motion of Mr. Caulfield, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 41, Assembly Reprint No. 2268, Printed No. 1761) entitled

"An act to amend the Education Law, in relation to State scholarships for honorably discharged soldiers, sailors, and marines, and making an appropriation therefor," as amended.

GIVEN under my hand and the Privy Seal of the State
at the Capitol in the city of Albany this twenty-third
[L. S.] day of April in the year of our Lord one thousand
nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,

Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenen SB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same, with amendments.

Mr. Speaker announced the special order, being the Senate bill (No. 2268, Rec. No. 874) entitled "An act making appropriation for the payment of contingent expenses of the State Department of Excise."

On motion of Mr. Machold, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 1732, Printed No. 2268) entitled "An act making appropriation for the payment of contingent expenses of the State Department of Excise."

GIVEN under my hand and the Privy Seal of the State
at the Capitol in the City of Albany this twenty-fourth
[L. s.] day of April in the year of our Lord one thousand
nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2054, Rec. No. 671) entitled "An act to amend the Conservation Law, in relation to power of the Commission to take fish."

On motion of Mr. Downs, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	Van Wagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitecomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 2233, Rec. No. 846) entitled "An act to amend the Labor Law, in relation to one day of rest in seven."

On motion of Mr. Machold, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	Van Wagenen J
Brady	Fearon	Kiernan	Patrzykowski	Van Wagenen SB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence the following entitled bill: "An act to amend the Education Law, in relation to industrial teachers' scholarships, and making an appropriation therefor" (No. 2266, Rec. No. 877), which was read the first time.

On motion of Mr. Machold, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify

to the necessity of the immediate passage of Senate bill (Int. No. 1629, Printed No. 2064) entitled "An act to amend the Education Law, in relation to industrial teachers' scholarships, and making an appropriation therefor," as amended.

GIVEN under my hand and the Privy Seal of the State
at the Capitol in the city of Albany this twenty-fourth
[L. s.] day of April in the year of our Lord one thousand
nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the Assembly bill (No. 757, Senate Reprint No. 2267, Int. No. 703) entitled "An act to amend the Membership Corporations Law, in relation to soldiers' monument corporations," with a message that they have concurred in the passage of the same with the following amendments:

Page 3, line 13, after "purpose" change semi-colon to comma and strike out remainder of line.

Page 3, lines 14 to 20, both inclusive, strike out all matter in italics.

Page 2, line 21, after comma, insert in italics "or section one hundred and seventy of this chapter".

Mr. Martin moved to concur in the Senate amendments.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill (Int. No. 703, Printed No. 757) entitled "An act to amend the Membership Corporations Law, in relation to soldiers' monument corporations," as amended.

GIVEN under my hand and the Privy Seal of the State
at the Capitol in the city of Albany this twenty-fourth
[L. S.] day of April in the year of our Lord one thousand
nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would concur in said amendments, the necessity for the immediate passage of

the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Haley	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	Van Wagenen J
Brady	Fearon	Kiernan	Patrzykowski	Van Wagenen S B
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 2221, Senate Reprint No. 2262, Int. No. 1177) entitled "An act to amend the Election Law, in relation to voting at general elections by absentee voters," with a message that they have concurred in the passage of the same with the following amendments:

Page 4, line 23, strike out everything after "may" and insert "make such inquiry concerning the matter as it deems proper, and if the facts, as found by the board, show that the applicant is not a legally qualified voter in such election district, it shall reject the application."

Page 4, strike out line 24.

Page 4, line 25, strike out down to and including the word "or" and insert "If a" and insert before "shall" the words "superintendent of elections".

Page 5, line 10, strike out the period and insert the following: "; but this provision shall not preclude the board from making such determination as the result of its own inquiries and without resorting to such affidavit. The board shall keep a record of applications, as they are received, for absentee voters' ballots, showing the names and residences of the applicants. Such record shall be open to public inspection during office hours; and as soon as practicable after the seventeenth day before the general election the board shall give to the chairman of the county committee of each party a list of all applicants to whom absentee voters' ballots have been delivered."

Page 5, line 10, make a paragraph of the matter beginning with "Except".

Page 15, line 11, change the comma to a period, and strike out "with the other returns of the election".

Page 17, line 16, change "thirty-six" to "thirty-five".

Mr. Martin moved to concur in the Senate amendments.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature:

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill (Int. No. 1177, Printed No. 2221) entitled "An act to amend the Election Law, in relation to voting at general elections by absentee voters."

GIVEN under my hand and the Privy Seal of the State
at the Capitol in the city of Albany this twenty-fourth
[L. s.] day of April in the year of our Lord one thousand
nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Mr. Speaker put the question whether the House would concur in said amendments, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate sent for concurrence a resolution, in the words following:

Resolved (if the Assembly concur), That the Joint Legislative Committee on the Simplification of Civil Practice last continued by joint resolution of the Legislature of nineteen hundred and nineteen to prepare and submit to the Legislature a plan for the

simplification of practice in the courts of the State, be continued with all the powers and duties heretofore conferred or imposed upon such committee, and that the time for it to make final report to the Legislature be extended to April fifteen, nineteen hundred and twenty-one; further

Resolved, That vacancies in the membership of such committee from the Senate be filled by the Temporary President of the Senate and from the Assembly by the Speaker of the Assembly.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
es D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the concurrent resolution in relation to the patriotism, courage and devotion of the National Guard, with a message that they have concurred in the passage of the same, amended to read as follows:

Whereas, The efforts of our country in behalf of the oppressed people of Europe during the World War, culminating in the raising of the greatest army and navy ever known in the history of the United States, and in a great victory in the cause of humanity, and in which it became necessary to increase the army and navy of the United States; and

Whereas, The call of the President met with prompt response in this State both from the National Guard and from private citizens; therefore,

Resolved, That the Legislature for itself and in behalf of the people of the State hereby manifest its appreciation of the patriotism, courage and devotion of the members of the National Guard and other citizens who volunteered and were drafted in the army and navy in the World War, and the clergy of the different denominations irrespective of creed and the Y. M. C. A., Knights of Columbus, the Young Men's Hebrew Association, Salvation Army, fraternal organizations and societies and citizens of this State; and the noble women who rendered such valuable services by their generous contributions and by their constant thoughtfulness and womanly solicitude in behalf of the allied soldiers, whether in camp, in the field, and to the disabled and sick; and

Whereas, Such unselfish and unremitting devotion and lofty patriotism represents the highest type of American manhood and womanhood, and calls for the highest expressions of admiration;

Resolved (if the Senate concur), That the people of the State through their representatives in the Legislature recognize the transcendent services rendered by the American manhood and womanhood in behalf of the American people, and take occasion to express their thanks and grateful appreciation.

Resolved, That a copy of this resolution be spread upon the records of the Assembly; and

Resolved (if the Senate concur), That 500,000 copies of this resolution be printed under the direction of the Clerks of the Legislature, to be distributed as follows: Three hundred copies to each member of the Assembly; 300 copies to each Senator, and the balance to the members of the respective posts of the American Legion of this State.

Resolved, That the expense of printing said resolution be paid out of the contingent fund of the Legislature.

Mr. J. J. McLoughlin moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 144

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harrington	McDonald	Simpson
Ames D H	Damico	Harris	McGinnies	Slacer
Ames H L	Davies	Hausner	McKee	Smith C C
Amos	Dickstein	Hawkins	McLaughlin J F	Smith M L
Barra	Dimin	Healey	McLoughlin J J	Smith O J
Baum	Dobson F	Henderson	McWhinney	Soule
Beasley	Dobson G A	Hunter	Mead	Steinberg
Betts	Doherty	Hutchinson	Miller	Stitt
Blakely	Donohoe	Jacobs	Moore	Tallett
Bloch	Donohue	Jeffery	Morrissey	Taylor
Blodgett	Downs	Jenks	Moss	Thayer
Bloomfield	Duke	Jesse	Mullen	Trahan
Bly	Easton	Judson	Neary	Tyler
Booth	Evans	Kelly	Norton	Ullman
Bourke	Everett	Kenyon	Parker	VanWagenen J
Brady	Fearon	Kiernan	Patrzykowski	VanWagenenSB
Brundage	Fenner	Lattin	Peck	Wallace
Burchill	Flynn	Lee	Pellet	Walrath
Campbell	Forbell	Leininger	Pette	Webb
Carroll J T	Fox	Lentol	Reilly	Wells
Carroll W G	Gage	Lindsay	Reynaud	Westall
Caulfield	Gardner	Long	Rice	Wheelock
Chamberlin	Gempler	Lord	Richford	Whitcomb
Cheney	Gillette E V	Lown	Roosevelt	Williams
Cole	Gillett R H	MacFarland	Ross	Wilson
Cosgrove	Griffith	Machold	Rowe	Wiswall
Cowee	Hager	Martin	Schwab	Witter
Cross	Halpern	McArdle	Seaker	Zimmerman
Crowley	Hamill	McCue	Seelbach	

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the concurrent resolution in relation to the appointment of a joint legislative committee to investigate the Election Law, with a message that they have concurred in the passage of the same without amendment.

The Senate returned the concurrent resolution in relation to the purchase of 3,000 copies of the Legislative Manual for 1920,

with a message that they have concurred in the passage of the same without amendment.

The Senate returned the concurrent resolution in relation to the observance of Armistice day, with a message that they have concurred in the passage of the same without amendment.

Mr. Adler offered for the consideration of the House a resolution, in the words following:

Resolved, That a committee of two be appointed by the Speaker to wait upon the Governor and inform His Excellency that the Assembly has finished its labors and is ready to adjourn.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker appointed as such committee Messrs. Adler and Donohue.

Mr. Thayer offered for the consideration of the House a resolution, in the words following:

Resolved, That a committee of two be appointed by the Speaker to wait upon the Senate and inform that Honorable Body that the Assembly has finished its labors and is ready to adjourn.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker appointed as such committee Messrs. Thayer and Taylor.

Mr. Adler, from the committee appointed to wait upon the Governor and inform His Excellency that the Assembly had completed its labors and was ready to adjourn, reported that it had performed that duty.

Mr. Thayer, from the committee appointed to wait upon the Senate and inform that Honorable Body that the Assembly had completed its labors and was ready to adjourn, reported that it had performed that duty.

Senators Lowman and Twomey, a committee from the Senate, appeared and announced that the Senate had completed its labors and was ready to adjourn.

The Senate returned the bill (No. 1916, Int. No. 1596) entitled "An act to amend the Greater New York charter, in relation to the teachers' retirement fund.

Also, the bill (No. 1958, Int. No. 1635) entitled "An act to amend the Greater New York charter, in relation to the detailing of policemen at election polls."

Also, the bill (No. 2230, Int. No. 1379) entitled "An act to provide for the payment to Annie A. Roy, the widow of the late Robert H. Roy, of the balance of the compensation payable to the said Robert H. Roy, late justice of the Supreme Court of the second judicial department, for the calendar year nineteen hundred and nineteen, by the city of New York."

Also, the bill (No. 1267, Int. No. 1114) entitled "An act authorizing the police commissioner of the city of New York to rehear the charges upon which John J. Donnelly, formerly a patrolman in the police department of said city, was dismissed from said department in the year nineteen hundred and fifteen, and to reinstate him in the position formerly held by him."

Also, the bill (No. 2083, Int. No. 1699) entitled "An act to amend the New York City Municipal Court Code, in relation to depositions in summary proceedings to recover the possession of real property."

Also, the bill (No. 1467, Int. No. 1292) entitled "An act to authorize the construction of a subway and passenger railway under Fourth avenue, in the borough of Brooklyn, in the city of New York, from its present terminus at Eighty-sixth street to Ninety-fifth street."

Also, the bill (No. 920, Int. No. 333) entitled "An act to authorize the laying out, opening and improvement of a public street in the borough of Brooklyn, in the city of New York, to connect Highland Park with Conduit avenue."

Also, the bill (No. 1679, Int. No. 1451) entitled "An act to provide for the expense of widening and extending Elm street in the borough of Manhattan, city of New York."

Also, the bill (No. 2243, Int. No. 1280) entitled "An act to amend the Greater New York charter, in relation to the method of paying for paving of streets."

Also, the bill (No. 2003, Int. No. 715) entitled "An act to amend the Greater New York charter, in relation to the period

of service of members of the police force of the board of water supply or appointed to the fire department of the city of New York."

Also, the bill (No. 954, Int. No. 873) entitled "An act to amend the Greater New York charter, in relation to the power of the board of estimate and apportionment to grant awards to the dependent relatives of members of the fire and police departments killed in the discharge of duty."

Also, the bill (No. 1774, Int. No. 190) entitled "An act to amend the Poor Law, in relation to the relief of persons formerly in the military or naval service."

Also, the bill (No. 2160, Int. No. 433) entitled "An act to amend the Greater New York charter, establishing the department of ferries."

Also, the bill (No. 1186, Int. No. 1067) entitled "An act to authorize the police commissioner of the city of New York to increase the pension of Henry C. Fink to an amount not exceeding the salary paid to him at the date of his retirement."

Also, the bill (No. 1398, Int. No. 1233) entitled "An act for the relief of Michael Richert, a retired patrolman of the city of New York."

Also, the bill (No. 1399, Int. No. 1234) entitled "An act to amend the New York City Municipal Court Code, in relation to filling vacancies in office of justice."

Also, the bill (No. 2173, Int. No. 1316) entitled "An act to amend the Greater New York charter, in relation to publication of notice of proceedings to condemn property for street purposes in Queens county."

Also, the bill (No. 1855, Int. No. 694) entitled "An act to amend the Greater New York charter, in relation to the reinstatement of policemen."

Also, the bill (No. 132, Int. No. 132) entitled "An act conferring jurisdiction on the police commissioner of the city of New York to increase the pension heretofore awarded to Charles E. Hunt, a former police officer of such city."

Also, the bill (No. 677, Int. No. 632) entitled "An act to provide for the retirement of civilian employees of the fire department of the city of New York, injured or disabled in its service."

Also, the bill (No. 2128, Int. No. 923) entitled "An act to amend the Judiciary Law, in relation to the salaries of the employees of the Appellate Division of the Supreme Court in the second judicial department, and the Appellate Term in the second judicial department."

Also, the bill (No. 387, Int. No. 370) entitled "An act to amend the Greater New York charter, in relation to the publication of list of registered voters."

Also, the bill (No. 1395, Int. No. 1230) entitled "An act to amend the Greater New York charter, in relation to promotion of officers and members of the police force."

Also, the bill (No. 1449, Int. No. 1286) entitled "An act to authorize the police commissioner of the city of New York to award a pension to Annie O'Brien, widow of John J. O'Brien, formerly an inspector in the police department of such city."

Also, the bill (No. 1215, Int. No. 1090) entitled "An act to amend chapter one hundred and sixty-four of the Laws of nineteen hundred and seven, entitled 'An act to incorporate "The Queens Borough Public Library," and to permit libraries in the borough of Queens of the city of New York to convey their property thereto, and limiting and defining the powers thereof,' in relation to removal of trustees."

Also, the bill (No. 219, Int. No. 219) entitled "An act authorizing the police commissioner of the city of New York to rehear the charges upon which William G. Frank, formerly a patrolman in the police department of said city, was dismissed from said department in the year nineteen hundred and nine, and to reinstate him in the position formerly held by him," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit certified copies thereof to the mayor of the city of New York.

Also, the bill (No. 2162, Int. No. 806) entitled "An act to amend the charter of the city of Lockport, in relation to its city court, its powers and jurisdiction, and the officers thereof generally," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Lockport.

Also, Assembly bill (No. 1836, Senate Reprint No. 2132, Int. No. 1548) entitled "An act to provide for a department of public health in and for the city of Yonkers."

Ordered, That the Clerk transmit a certified copy to the mayor of the city of Yonkers.

Also, Assembly bill (No. 1314, Senate Reprint No. 2178, Int. No. 1160) entitled "An act to amend the Penal Law, in relation to furnishing false information to publishers, for publication."

Also, Assembly bill (No. 2221, Senate Reprint No. 2262, Int. No. 1177) entitled "An act to amend the Election Law, in relation to voting at general elections by absentee voters."

Also, Assembly bill (No. 757, Senate Reprint No. 2267, Int. No. 703) entitled "An act to amend the Membership Corporations Law, in relation to soldiers' monument corporations."

Ordered, That the Clerk deliver said bills to the Governor.

Also, the bill (No. 2129, Int. No. 1198) entitled "An act to amend chapter twenty-nine of the Laws of nineteen hundred and eight, entitled 'An act to incorporate the city of Glens Falls,' by making provisions for the establishment and maintenance of a pension fund for firemen and policemen," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Glens Falls.

Also, Senate bill (No. 1278, Assembly Reprint No. 2228, Rec. No. 296) entitled "An act to amend the Greater New York charter, in relation to the teachers' retirement fund."

Also, Senate bill (No. 1839, Assembly Reprint No. 2253, Rec. No. 516) entitled "An act to amend the Workmen's Compensation Law, in relation to occupational diseases, and making an appropriation therefor."

Also, Senate bill (No. 1623, Assembly Reprint No. 2239, Rec. No. 578) entitled "An act to amend the Canal Law and the Executive Law, in relation to the salaries of certain State officials, and making appropriations for additional compensation," with a message that they have concurred in the amendments of the Assembly made thereto.

Ordered, That the Clerk return said bills to the Senate.

Also, the bill (No. 1521, Int. No. 1319) entitled "An act to amend the Public Health Law, in relation to the establishment of district laboratory supply stations."

Also, the bill (No. 939, Int. No. 857) entitled "An act making an appropriation for highway improvement purposes."

Also, the bill (No. 2013, Int. No. 895) entitled "An act to amend the Conservation Law, in relation to the regulation of the flow of rivers and streams by reservoirs."

Also, the bill (No. 475, Int. No. 448) entitled "An act to provide for the acquisition of land for a game farm in the eighth judicial district, and making an appropriation therefor."

Also, the bill (No. 2164, Int. No. 1634) entitled "An act to amend the Stock Corporation Law, in relation to issuance of preferred and common stock."

Also, the bill (No. 2032, Int. No. 1026) entitled "An act to amend the Stock Corporation Law, in relation to the separation of the powers of a stock corporation."

Also, the bill (No. 2198, Int. No. 258) entitled "An act to amend the Public Service Commissions Law, in relation to interchange of facilities by common carriers."

Also, the bill (No. 1107, Int. No. 561) entitled "An act to amend the Real Property Law, in relation to persons before whom acknowledgments and proofs within the State may be taken."

Also, the bill (No. 1906, Int. No. 522) entitled "An act to amend the Public Health Law, in relation to the powers of the board of embalming examiners."

Also, the bill (No. 1532, Int. No. 1330) entitled "An act to confer jurisdiction on the Court of Claims to hear, audit and determine the alleged claim of David M. Ottarsh against the State for damages alleged to have been sustained by him, and to render judgment therefor."

Also, the bill (No. 1978, Int. No. 1527) entitled "An act to amend the Code of Civil Procedure, in relation to security to be given by committee."

Also, the bill (No. 1008, Int. No. 914) entitled "An act to amend the Highway Law, in relation to the acquisition of certain toll bridges at the expense of the State."

Also, the bill (No. 1540, Int. No. 1338) entitled "An act to amend the Railroad Law, in relation to warning signs at railroad crossings."

Also, the bill (No. 2144, Int. No. 850) entitled "An act to amend the Village Law, in relation to the establishment of police departments in certain villages."

Also, the bill (No. 1911, Int. No. 854) entitled "An act to amend the Public Health Law, in relation to the eligibility of health officers."

Also, the bill (No. 2141, Int. No. 1380) entitled "An act to amend the Conservation Law, in relation to taking of muskallonge."

Also, the bill (No. 1772, Int. No. 551) entitled "An act to amend the Code of Civil Procedure, in relation to jurisdiction of the Court of Claims."

Also, the bill (No. 2249, Int. No. 1657) entitled "An act to amend the Real Property Law, to provide a short form for a general power of attorney."

Also, the bill (No. 2244, Int. No. 1656) entitled "An act to amend the Personal Property Law, to provide a short form for a general power of attorney."

Also, the bill (No. 1760, Int. No. 1512) entitled "An act to provide for the appointment of a commission to investigate the matter of titles to lands claimed adversely to the State in counties containing portions of the forest preserve, and to report its proceedings together with its recommendations in relation thereto to the Legislature."

Also, the bill (No. 1529, Int. No. 1327) entitled "An act to amend the Education Law, in relation to a bureau of compulsory education, school census and child welfare."

Also, the bill (No. 2145, Int. No. 1028) entitled "An act to amend the General Corporation Law, in relation to the manner of voting stock held by fiduciaries."

Also, the bill (No. 2210, Int. No. 591) entitled "An act to define and regulate the practice of chiropractic."

Also, the bill (No. 923, Int. No. 841) entitled "An act to enable Alvah A. Sharp, of Red Creek, in the county of Wayne, to be examined for license to practice veterinary medicine."

Also, the bill (No. 2006, Int. No. 952) entitled "An act to promote the health and efficiency of firemen in cities of the State."

Also, the bill (No. 1112, Int. No. 1000) entitled "An act to amend the Code of Criminal Procedure, in relation to the support of children by their parents."

Also, the bill (No. 2148, Int. No. 1268) entitled "An act to amend the Public Service Commissions Law, in relation to investigation of accidents."

Also, the bill (No. 1545, Int. No. 1343) entitled "An act to amend the Public Service Commissions Law, in relation to the printing of annual reports."

Also, the bill (No. 470, Int. No. 443) entitled "An act to incorporate the Motor Corps of America, and defining its objects and powers."

Also, the bill (No. 1436, Int. No. 1273) entitled "An act to amend the Education Law, in relation to the payment of State tuition for the instruction of nonresident academic pupils attending from military reservations under the control of the United States."

Also, the bill (No. 2251, Int. No. 111) entitled "An act to amend the Civil Service Law, in relation to retention in office."

Also, the bill (No. 1964, Int. No. 371) entitled "An act to amend the Judiciary Law, in relation to the salary of stenographers in the counties of Queens, Bronx and Richmond."

Also, the bill (No. 2007, Int. No. 484) entitled "An act to amend the Conservation Law, in relation to the taking of raccoon."

Also, the bill (No. 1706, Int. No. 566) entitled "An act to amend the Military Law, in relation to retiring veterans of the World War and granting them pensions."

Also, the bill (No. 1634, Int. No. 1413) entitled "An act to amend the Conservation Law, in relation to hunting licenses."

Also, the bill (No. 125, Int. No. 125) entitled "An act conferring jurisdiction upon the Court of Claims to hear, audit and determine the claim of The Harriman Industrial Corporation, Incorporated, a domestic corporation, against the State for compensation for extra work, extra labor and extra materials furnished by such corporation in the construction of laundry building at Letchworth Village, Thiells, New York, and to render judgment therefor."

Also, the bill (No. 1383, Int. No. 1218) entitled "An act to amend the General Municipal Law, in relation to local boards of child welfare."

Also, the bill (No. 1265, Int. No. 1112) entitled "An act to amend the Judiciary Law, in relation to the salaries of attendants and messengers in the surrogate's court of Bronx county."

Also, the bill (No. 1768, Int. No. 1134) entitled "An act to amend the Penal Law, in relation to depositing or leaving papers or refuse on highways and destroying or removing receptacles therefor."

Also, the bill (No. 1208, Int. No. 1083) entitled "An act to provide for the relocating of the channel of Falls creek, in the village of Montour Falls, and making an appropriation therefor."

Also, the bill (No. 1052, Int. No. 373) entitled "An act to amend the County Law, in relation to coroners."

Also, the bill (No. 2240, Int. No. 378) entitled "An act to amend the Judiciary Law, in relation to official referees."

Also, the bill (No. 1603, Int. No. 1382) entitled "An act to accept the provisions of any law of the United States making an appropriation to the States for the rehabilitation of physically handicapped persons, to amend the Workmen's Compensation Law, in relation to the maintenance of employees undergoing rehabilitation, and to amend the Education Law, in relation to the rehabilitation of physically handicapped persons, and making an appropriation therefor."

Also, the bill (No. 2201, Int. No. 904) entitled "An act to amend the Membership Corporations Law, in relation to reports of certain county agricultural corporations and disposition of property on dissolution or failure to hold exhibition."

Also, the bill (No. 1378, Int. No. 1213) entitled "An act to provide for the improvement of Fulmer creek, at Mohawk, in the county of Herkimer, and making an appropriation therefor."

Also, the bill (No. 2056, Int. No. 1672) entitled "An act to amend the Civil Service Law, in relation to retiring veterans and pensioning them."

Also, the bill (No. 1913, Int. No. 478) entitled "An act to amend the Conservation Law, in relation to the reforestation of nonagricultural lands and furnishing trees therefor without charge."

Also, the bill (No. 2166, Int. No. 1668) entitled "An act to amend the Election Law, relative to the recognition of certain political organizations as political parties."

Also, the bill (No. 2167, Int. No. 1669) entitled "An act to amend the Public Officers Law, relative to the qualifications of certain persons to hold public office, and providing for their exclusion from public office, and preventing their exercise of official duties."

Also, the bill (No. 2246, Int. No. 1608) entitled "An act to amend the Tax Law, in relation to salaries of transfer tax appraisers, clerks and stenographers in certain counties."

Also, the bill (No. 1381, Int. No. 1216) entitled "An act to amend the Town Law, in relation to town charges in certain towns."

Also, the bill (No. 2214, Int. No. 1371) entitled "An act to amend the State Finance Law, in relation to the audit and warrant of the Comptroller."

Also, the bill (No. 2220, Int. No. 1179) entitled "An act to amend the Judiciary Law, in relation to the salary of the State Reporter."

Also, the bill (No. 208, Int. No. 208) entitled "An act to amend the County Law, in relation to compensation of supervisors in Niagara county."

Also, the bill (No. 2236, Int. No. 628) entitled "An act to amend the Judiciary Law, in relation to the appointment of official referees by the Appellate Division of the Supreme Court."

Also, the bill (No. 1754, Int. No. 1506) entitled "An act to amend the Conservation Law, in relation to the posting and main-

tenance of notices and signs upon lands without written evidence of the ownership and control thereof."

Also, the bill (No. 2067, Int. No. 1683) entitled "An act to amend the Code of Criminal Procedure, in relation to probation officers; appointment; duties; powers; procedure; transfers.

Also, the bill (No. 1343, Int. No. 249) entitled "An act to provide service badges and ribbons for certain officers and enlisted men of the military forces of the State of New York, and making an appropriation therefor."

Also, the bill (No. 2245, Int. No. 47) entitled "An act to amend the Conservation Law, in relation to the taking and possession of deer."

Also, the bill (No. 1926, Int. No. 1604) entitled "An act to amend the Executive Law, in relation to deputies."

Also, the bill (No. 1941, Int. No. 1618) entitled "An act to amend the Tax Law, in relation to compensation of transfer tax assistant and clerk in certain counties."

Also, the bill (No. 1082, Int. No. 977) entitled "An act to amend the Election Law, in relation to appointment and election of clerks in election districts where voting machines are used."

Also, the bill (No. 170, Int. No. 170) entitled "An act to provide for the construction of a bridge over Schoharie creek, at Prattsville, on State highway number eight hundred and eighty-six, on State route number five-a, and making an appropriation therefor."

Also, the bill (No. 219, Int. No. 219) entitled "An act authorizing the police commissioner of the city of New York to rehear the charges upon which William G. Frank, formerly a patrolman in the police department of said city, was dismissed from said department in the year nineteen hundred and nine. and to reinstate him in the position formerly held by him."

Also, the bill (No. 969, Int. No. 884) entitled "An act to amend the Code of Civil Procedure, in relation to limitations of actions."

Also, the bill (No. 2195, Int. No. 831) entitled "An act making an appropriation for the Palisades Interstate Park."

Also, the bill (No. 1273, Int. No. 1120) entitled "An act to amend chapter two hundred and ninety of the Laws of eighteen

hundred and ninety-seven, entitled 'An act to make the office of supervisor of the county of Oswego a salaried office,' in relation to the fees and salary of supervisor."

Also, the bill (No. 1212, Int. No. 1087) entitled "An act to amend the Labor Law, in relation to definition of a factory."

Also, the bill (No. 2069, Int. No. 1685) entitled "An act to amend the Code of Civil Procedure, in relation to the custody and maintenance of children."

Also, the bill (No. 1703, Int. No. 1475) entitled "An act to amend the Code of Criminal Procedure, in relation to division of county court of Erie county into two parts and holding of terms therein."

Also, the bill (No. 1702, Int. No. 1474) entitled "An act to amend the Code of Civil Procedure, in relation to plaintiff's costs in actions tried in the Supreme and county courts in Erie county."

Also, the bill (No. 1996, Int. No. 1646) entitled "An act making an appropriation for expenses of the Public Service Commission for the first district in defending an action attacking the constitutionality of the statute fixing the rate for gas in the borough of Manhattan, city of New York."

Also, the bill (No. 703, Int. No. 652) entitled "An act to amend chapter five hundred and sixty-two of the Laws of eighteen hundred and ninety, entitled 'An act to revise the charter of the village of Alden,' generally."

Also, the bill (No. 1750, Int. No. 1502) entitled "An act to amend the Village Law, in relation to construction of sewers in certain villages."

Also, the bill (No. 2208, Int. No. 1707) entitled "An act to amend the Conservation Law, in relation to the seasons for taking of frogs."

Also, the bill (No. 1403, Int. No. 1238) entitled "An act to amend chapter four hundred and ten of the Laws of eighteen hundred and eighty-two; entitled 'An act to consolidate into one act and to declare the special and local laws affecting the public interests in the city of New York,' in relation to the salaries of assistant district attorney in the county of New York."

Also, the bill (No. 422, Int. No. 401) entitled "An act to amend the Election Law, in relation to powers of unofficial party conventions."

Also, the bill (No. 2211, Int. No. 1100) entitled "An act to amend the Election Law, in relation to compensation of election officers in cities of over one million inhabitants."

Also, the bill (No. 2200, Int. No. 445) entitled "An act to amend the Banking Law, in relation to certain expenses chargeable by investment companies."

Also, the bill (No. 604, Int. No. 567) entitled "An act to amend the Public Buildings Law, in relation to period of service of veterans previous to retirement."

Also, the bill (No. 286, Int. No. 281) entitled "An act to amend the Public Officers Law, in relation to leave of absence for veterans on Memorial day."

Also, the bill (No. 494, Int. No. 466) entitled "An act to amend the General City Law, in relation to expenditure of moneys appropriated for Memorial day."

Also, the bill (No. 496, Int. No. 468) entitled "An act to amend the Town Law, in relation to appropriations by town boards in certain counties for rental of rooms for posts of the American Legion."

Also, the bill (No. 287, Int. No. 282) entitled "An act to amend the Tax Law, in relation to exemption from taxation."

Also, the bill (No. 289, Int. No. 284) entitled "An act to amend the Village Law, in relation to exemption from poll tax."

Also, the bill (No. 986, Int. No. 902) entitled "An act making an appropriation for expenses of the board appointed by the Governor for the promotion of better relations between workers and their employers and the prevention of strikes and lockouts."

Also, the bill (No. 1676, Int. No. 1448) entitled "An act to amend the Education Law, in relation to consolidation of school districts."

Also, the bill (No. 513, Int. No. 479) entitled "An act to amend the Tax Law, in relation to the assessment of forest lands dedicated to continuous forest production."

Also, the bill (No. 1380, Int. No. 1215) entitled "An act to amend the Tax Law, in relation to payment of mortgage taxes on

land contracts which are not acknowledged so as to entitle such instruments to be recorded."

Also, the bill (No. 2282, Int. No. 107) entitled "An act making provision for issuing bonds to the amount of not to exceed forty-five million dollars for the payment of a bonus to persons who served in the military or naval service of the United States at any time between the sixth day of April, nineteen hundred and seventeen, and the eleventh day of November, nineteen hundred and eighteen, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and twenty."

Also, the bill (No. 960, Int. No. 861) entitled "An act to amend the Election Law, in relation to party nominations for the office of justice of the Supreme Court."

Also, the bill (No. 2128, Int. No. 923) entitled "An act to amend the Judiciary Law, in relation to the salaries of the employees of the Appellate Division of the Supreme Court in the second judicial department, and the Appellate Term in the second judicial department."

Also, the bill (No. 1433, Int. No. 1270) entitled "An act to amend the Code of Civil Procedure, in relation to the retirement of officers and employees of the city court of the city of New York, and providing for their compensation, and establishing a retirement fund therefor," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bills to the Governor.

Also, the bill (No. 1648, Int. No. 1427) entitled "Concurrent resolution of the Senate and Assembly proposing an amendment to section eight of article seven of the Constitution, in relation to a certain portion of the Erie canal."

Also, the bill (No. 1864, Int. No. 1567) entitled "Concurrent resolution of the Senate and Assembly proposing an amendment to section ten of article eight of the Constitution, in relation to the amount to be raised by tax for county or city purposes in certain counties and cities," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said resolutions to the Secretary of State.

Also, the bill (No. 2229, Int. No. 1491) entitled "An act to amend section fifty-four of the Public Lands Law, being chapter fifty of the Laws of nineteen hundred and nine, as amended by chapter two hundred and ninety-nine of the Laws of nineteen hundred and sixteen, to authorize the Commissioners of the Land Office to convey to railroad corporations those parts or portions of abandoned canal lands which are crossed by railroad bridges maintained by railroad corporations, and giving such railroad corporations a preferential right to acquire title thereto," with a message that they have reconsidered their vote by which said bill passed, and as amended have again passed the same.

The Senate returned the bill (No. 343, Int. No. 331) entitled "An act to amend the Greater New York charter, in relation to the annual city budget," with a message that this bill was again duly passed, a majority of all the Senators elected voting in favor thereof, and three-fifths being present, the President stating the question to be: "Shall this bill pass notwithstanding the objection of the mayor of the city of New York thereto?"

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 409, Int. No. 389) entitled "An act to confer jurisdiction on the Court of Claims to hear, audit and determine the alleged claim of the Iron Ledge Company against the State for alleged breach of contract for highway improvement," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bills to the Governor.

A communication was received from Hon. Edward C. Stewart, mayor of the city of Ithaca, returning Assembly bill (No. 1351, Int. No. 1006) entitled "An act to amend the Ithaca city charter, generally," with a message that said mayor, and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Robert E. Cahill, mayor of the city of Watertown, returning Assembly bill (No. 775, Int. No. 721) entitled "An act to amend chapter seven hundred and sixty of the Laws of eighteen hundred and ninety-seven,

entitled 'An act to revise the charter of the city of Watertown, generally,' with a message that said mayor, and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Clerk read the Journal of the day's proceedings, and, on motion of Mr. Adler, the same was approved.

The hour of final adjournment having arrived, Mr. Speaker declared the session of nineteen hundred and twenty adjourned *sine die*.

APPENDIX I

[3383]

APPENDIX

(No. 1)

SPEAKER'S APPOINTMENTS

Speaker's clerk.—Fred M. Bishop.

Postmaster.—James H. Underwood.

Assistant postmaster.—Fred M. Askins.

Assistant doorkeepers.—Charles H. Jackson, Walter S. Gay, Benjamin Hoff, Russell Quonce, M. J. Barnett, Raymond C. Francis, John Sullivan, Ralph Jillson, Charles Flynn, S. C. Swackhamer, Richard Deitz, Parker Howard.

Speaker's stenographer.—Katherine Cullen.

Postoffice messenger.—S. M. Cook.

Messenger to speaker.—Wayne Woodward.

Janitor.—Leroy W. Allen.

Assistant janitors.—Peter Kestel, Thomas H. Evans, Charles Cohen, John Festger, Jr.

CLERK'S APPOINTMENTS

(No. 2)

Assistant clerk.—E. W. Moses.

Clerk's secretary.—Ned A. Cyphers.

Journal clerk.—Wm. K. Mansfield.

First assistant journal clerk.—James H. Hogan.

Second assistant journal clerk.—G. C. Squires.

Deputy clerks.—Charles H. Clark, Sidney C. Hull, Edward Rutherford, Cornelius Shufelt, Wilson Messer, Robert Dalzell, Vernon E. Bowler, Louis Grossman, George R. Benjamin, P. A. Graves, Benjamin Kaiser, Paul Petrucelly.

Assistant clerk to committee on engrossed bills.—J. Cass Parker.

Financial clerk.—C. E. Boyden.

Index clerk.—R. C. Derrick.

First assistant index clerk.—Richard L. Farnum.

Second assistant index clerk.—Helen M. Meyers.

Telephone operators.—Ellen M. B. Hagan, Jane P. McIntosh.

Confidential clerk.—James B. McIntosh.

Assistant financial clerk.—Daniel Koppenhafer.

Supply clerk.—Michael T. McGrath.

Majority leader's clerk.—Walter Berry.

Minority leader's clerk.—Almiron M. Sperry.

Ways and means minority clerk.—Thomas A. Powers.

Committee clerks.—Morris Ford, Edward S. Travis, David Ellmore, Henry Stacy, Frank G. Sherman, Frank O'Marah, Peter B. Campbell, Frank G. Miller, H. D. Laird, Daniel Griggs, Frederick H. Clark, George Atwater, Fred S. Quinterro, John W. Coupland, Harold Griffith, Roswell Mead, George Sterrett, John W. Burns, N. M. Tallett, G. F. Diamond, Francis A. Fitzelle, Gilbert P. Phillips, Raymond M. O'Connor, Clarence E. Wills, George H. Salt, Gilbert W. Smith, D. J. Donovan, William W. Weller, Walter E. Helf, Mose Ashley, Clarence Aikenhead, George Morsch, Fred G. Bool, Wm. F. King, Dorothy Gage, James P. McGowan, Earl S. Goodrich, Charles H. Andrews, Walter J. Machold, Charles W. Bacon.

Chief of general clerks.—Charles H. Gardner.

General clerks.—Earl Burgess, Fred Dickermom, Alexander Strashun, Samuel Juliano, Henry A. Spencer, E. M. Davis, R. W. Carpenter, Charles A. Slocum, Charles L. Segelken, George S. Henry, William F. Mathews, Myron Randall, Michael Donovan, Augusta H. Richless, Frederick H. Nichols, G. Gordon Steele, Marguerite M. Campbell, Louis Alsyon.

Majority leader's stenographer.—Thomas Marion.

Minority leader's stenographer.—J. S. Corscadden.

Stenographers.—Dorothy Hung, William J. Baxter, Effie L. Mason, Edward Muldowney, Beatrice Lewis, Laura B. Warden, Aleda B. Chandler, Marjorie B. Williams, Loretta Burke, Mabel

Stewart, Wesley Ostrander, Elizabeth Knapp, Gladys Abeel, Zora McKenzie, Lillian M. Winslow.

General stenographers.—Jane B. King, Wm. L. Hearty, C. A. Kohlsdorf, Elizabeth Taylor, Frank Kennon, Bruce Townsend, Lester L. Cole, Joseph J. Mailloux, Charles Knecht, Joseph F. Blakeney.

Superintendent wrapping department.—Frank Mawhinney.

Assistant superintendents wrapping department.—D. T. Hardy, Jonh Taylor, Gardner Davis, Martin Harrington, Mark Brinthaup.

Superintendent of documents.—Harvey B. Dingman.

Assistant superintendents of documents.—George S. Flint, Roy C. Scanlin, W. J. Snyder, Andrew Corrigan, Wm. E. J. McKnight.

Mail and document carrier.—Horace E. Johnson.

Process server.—W. W. Knowlton.

Chief messenger.—James H. Millard.

Majority leader's messenger.—William F. Flynn.

Minority leader's messenger.—Vivany S. Moore.

Messengers to committees.—H. L. Hall, Harry Blau, Wm. H. Cannon, Harry L. Gilrie, T. S. Roblee, Harold Strong, George A. Marcus, G. Birdsall Dunning, Robert J. Hamill, Henry J. Carpenter, Francis A. Sturgess, Peter Endres.

Messengers.—Fred M. Garfield, James Armstrong, Donald Grant, Max Cheeger, Lazar Gellert, Edmund McCarthy, Hans Kronika, Frank H. Farrell, Edward McCann, Leo Schwab, Charles E. Ehlerman, Rudolph Langenbach, Isaac Mincher, Roy Boles, Walter J. Miller, Clyde F. Gardner, Charles E. Nichols, Thomas Duggar, Haskel Jacobs, Joseph Henry, Lillian Goring, Clarence Robinson, John Hackett, Ruth Jones.

Tally clerk.—Frank P. Call.

Custodian press records.—Wm. H. Owens.

Pages.—Ira C. Halsted, Gilbert Wilson, John Hart, Gustave Heart, James McGennies, Howard Watkins, Fred Canavari, Fred Luther, Charles Brasser, Harold White, Alton Wood,

Charles Peterson, Frank H. Spurr, Bertrum A. Shumway, William Branion, J. H. Davis, Ora Danskin, John Earle, Jacob Billingham, Clarence Hazard.

(No. 3.)

AN ACT to amend the agricultural law, in relation to agricultural seeds and the sale thereof.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three hundred and forty of chapter nine of the laws of nineteen hundred and nine, entitled "An act in relation to agriculture, constituting chapter one of the consolidated laws," as added by chapter two hundred and ninety-seven of the laws of nineteen hundred and twelve and amended by chapter fifty-nine of the laws of nineteen hundred and fourteen, is hereby amended to read as follows:

§ 340. [Inspection and sale of seeds. Within the meaning of this article, "agricultural seeds" are defined as the seeds of alfalfa, Canadian blue grass Kentucky blue grass, alsike clover, crimson clover, red clover, white clover, vetch, orchard grass, rape, red top and timothy which are to be used for sowing or seeding purposes. No person, firm or corporation shall sell, offer, expose or have in his possession for sale for the purpose of seeding, any seeds of grasses or clovers, of the kind known as agricultural seeds containing in excess of three per centum by weight of foul or foreign seeds, unless every receptacle, package, sack or bag containing such seeds is plainly marked or labeled with the per centum of such foul or foreign seeds contained therein.]

Inspection and sale of seeds. Within the meaning of this article "agricultural seeds" are defined as the seeds of Canadian blue grass, Kentucky blue grass, orchard grass, red top, timothy, brome grass, fescues, millets, tall meadow oat grass, Italian rye grass, kafir corn, perennial rye grass, sorghum, sudan grass and other grasses, alfalfa, alsike clover, crimson clover, red clover, white clover, sweet clover, vetches, rape, flax, barley, corn, oats,

rye, wheat and other cereals which are sold, offered or exposed for sale, within this state, for seeding purposes within this state.

§ 2. Section three hundred and forty-one of such chapter as added by chapter two hundred and ninety-seven of the laws of nineteen hundred and twelve, is hereby amended to read as follows:

§ 341. [Samples, publication of results of examination. The commissioner of agriculture or his duly authorized representatives shall take samples of seed in triplicate in the presence of at least one witness and in the presence of such witness shall seal such samples and shall at the time of taking tender, and if accepted, deliver to the person apparently in charge one of such samples; one of the other samples the commissioner of agriculture shall cause to be analyzed. The director of the New York agricultural experiment station shall analyze or cause to be analyzed such samples of seeds taken under the provisions of this article as shall be submitted to him for that purpose by the commissioner of agriculture and shall report such analysis to the commissioner of agriculture, and for this purpose the New York agricultural experiment station may employ experts and incur such expenses as may be necessary to comply with the requirements of this article. The result of the analysis of the sample or samples so procured, together with such additional information as circumstances advise, shall be published in reports or bulletins from time to time.]

Label requirements of agricultural seeds. Every lot of agricultural seeds, as defined in section three hundred and forty of this article except as herein otherwise provided, when in bulk packages or other containers of ten pounds or more, shall have affixed thereto, in a conspicuous place, on the exterior of the container of such agricultural seeds, a plainly written or printed statement, tag or label, in the English language, stating:

1. *Commonly accepted name of such agricultural seeds.*
2. *The approximate percentage by weight of purity; meaning, the freedom of such agricultural seeds from inert matter and from other seeds distinguished by their appearance.*
3. *The approximate total percentage by weight of weed seeds; the term "weed seeds," as used herein, being defined as the noxious weed seeds listed in subdivision four of section three hundred and*

forty-one, and all seeds not listed in section three hundred and forty as agricultural seeds.

4. The name of each kind of the seeds of noxious weeds as herein defined which are present, singly or collectively: (1) in excess of one seed in each five grams of timothy, red top, tall meadow oat grass, orchard grass, crested dogstail, Canada blue grass, Kentucky blue grass, fescues, brome grasses, perennial and Italian rye grass, western rye grass, crimson clover, red clover, white clover, alike clover, sweet clover, alfalfa, and all other grasses and clovers not otherwise classified; (2) one in twenty-five grams of millets, rape, flax and other seeds not specified in subdivisions one or three of this section; (3) one in one hundred grams of vetches. For the purpose of this act the following seeds shall be considered as seeds of noxious weeds: the seeds of quack grass (*Agropyron repens*), wild mustard (*Brassica arvensis*) and other wild *Brassica* species, Canada thistle (*Cirsium arvense*), and dodder (*Cuscuta* sp P.) are hereby defined as noxious weeds.

5. The approximate percentage of germination of such agricultural seed together with the month and year said seed was tested, provided, that this statement shall not be a basis for prosecution under this article, and provided further that if the director of the New York agricultural experiment station shall test these samples, or cause them to be tested, and shall publish the results of such germination tests as herein provided, such results shall be published together with the month and year such tests were made by the director or his experts together with the date of test shown on the label.

6. The full name and address of the vendor of such agricultural seeds.

§ 3. Such chapter is hereby amended by adding thereto five new sections, to be sections three hundred and forty-two, three hundred and forty-three, three hundred and forty-four, three hundred and forty-five and three hundred and forty-six, to read, respectively, as follows:

§ 342. *Label requirements of mixtures.* Mixtures of alsike clover and timothy, alsike and white clover, red top and timothy, alsike and red clover, when sold, offered or exposed for sale as mixtures and in lots of ten pounds or more shall have affixed

thereto, in a conspicuous place on the exterior of the container of such mixture of seeds, a plainly written or printed statement, tag or label, in the English language, stating:

1. That such seed is a mixture.

2. The name and approximate percentage by weight of each kind of agricultural seed present in such mixture in excess of five per centum by weight of the total mixture.

3. The approximate percentage by weight of weed seeds as defined in subdivision three of section three hundred and forty-one of this article.

4. The name of each kind of the seeds of the noxious weeds listed in subdivision four of section three hundred and forty-one of this article which are present singly or collectively in excess of one seed in fifteen grams of such mixture.

5. The approximate percentage of germination of each kind of agricultural seed present in such mixture in excess of five per centum by weight, together with the month and year said seed was tested; provided, however, that this statement shall not be a basis for prosecution under this article, and provided further that if the director of the New York agricultural experiment station shall test these samples, or cause them to be tested and shall publish the results of such germination tests as herein provided, such results shall be published together with the month and year such tests were made by the director or his experts together with the date shown on the label.

6. Full name and address of the vendor of such mixture.

§ 343. *Label requirements of special mixtures.* Special mixtures of agricultural seeds except as specified in section three hundred and forty-two of this article, when sold, offered or exposed for sale as mixtures, in bulk, packages or other containers of eight ounces or more shall have affixed thereto in a conspicuous place on the exterior of the container of such mixture, a plainly written statement or printed tag or label in the English language, stating:

1. That such seed is a mixture.

2. The name of each kind of agricultural seed which is present in the proportion of five per centum or more of the total mixture.

3. The approximate total percentage by weight of weed seeds

as defined in subdivision three of section three hundred and forty-one of this article.

4. The approximate percentage by weight of inert matter

5. The name of each kind of the seeds of noxious weeds listed in subdivision four of section three hundred and forty-one of this article, which are present singly or collectively in excess of one seed in each fifteen grams of such mixture.

6. The full name and address of the vendor of such mixture.

§ 344. *Exemptions.* Agricultural seeds or mixtures of same shall be exempt from the provisions of this article:

1. When exposed for sale or sold for food or feeding purposes only.

2. When sold to be recleaned before being sold or exposed for sale for seeding purposes.

3. When held for the purpose of recleaning.

§ 345. *Samples; publication of results of tests.* The commissioner of agriculture or his duly authorized representatives shall take samples of seed in duplicate in the presence of at least one witness and in the presence of such witness shall seal such samples and shall at the time of taking tender, and if accepted, deliver to the person apparently in charge one of such samples; the other sample the commissioner of agriculture shall cause to be analyzed, examined or tested. The director of the New York agricultural experiment station shall analyze, examine or test, or cause to be analyzed, examined or tested such samples of seeds taken under the provisions of this article as shall be submitted to him for that purpose by the commissioner of agriculture, and shall report the results of such analysis, examination or test to the commissioner of agriculture, and for this purpose the New York agricultural experiment station may establish and maintain a seed laboratory, with necessary equipment, and may employ experts and incur such expense as may be necessary to comply with the requirements of this article. The results of the analysis, examination or test of any sample or samples so procured, together with such additional information as circumstances advise, shall be published from time to time in reports or bulletins. The said commissioner of agriculture upon notice to the seed trade of this state, through the agricultural

bulletins of the department or otherwise, shall be empowered to adopt such reasonable rules and regulations as may be deemed necessary to secure the efficient enforcement of this article.

§ 346. *Provisions for seed tests. Any citizen of this state shall have the privilege of submitting to the New York agricultural experiment station samples of agricultural seeds for test and analysis, subject to such rules and regulations as may be adopted by the director and board of control of said station.*

§ 4. This act shall take effect July first, nineteen hundred and twenty.

(No. 31½.)

(Substitute for A. 750.)

AN ACT to revise the charter of the city of Rome.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- Article I. Short title (§ 1).
 II. General provisions (§§ 2-5).
 III. Officers and elections (§§ 6-18).
 IV. General city powers and powers of council
 (§§ 25-43).
 V. Mayor (§§ 50-56).
 VI. General provisions regarding officers and em-
 ployees (§§ 60-67).
 VII. Department of finance (§§ 80-94).
 VIII. Department of estimate and contract (§§ 100-
 108).
 IX. Department of public works (§§ 110-133).
 X. Department of public welfare (§§ 140-165).
 XI. Department of law (§§ 170-177).
 XII. Department of education (§§ 180-181).
 XIII. Department of judiciary (§§ 190-271).
 XIV. Department of assessment and taxation (§§ 280-
 301).
 XV. Local improvements and assessments (§§ 310-
 320).

Article XVI. Police and firemen's pension funds (§§ 330-342).

XVII. Miscellaneous provisions (§§ 350-356).

ARTICLE I.

Section 1. Short title.

§ 1. This act is a public act to be known as the "Charter of the City of Rome."

ARTICLE II.

GENERAL PROVISIONS.

Section 2. Corporate name.

3. City and ward boundaries.
4. Corporation tax district.
5. Definitions.

§ 2. Corporate name. The district of the country, in the county of Oneida, included within the boundaries described in the next section shall be a city by the name of "Rome," and the citizens of this state, from time to time inhabitants within the said boundaries, shall be a corporation by the name of "The City of Rome."

§ 3. City and ward boundaries. The said city shall be divided in seven wards respectively as follows, namely:

First ward.—All that part of said city bounded as follows: Beginning at a point in the city of Rome where the center line of James street intersects the center line of Stanwix street; thence easterly along the center line of Stanwix street to the intersection thereof with the center line of Saint Peter's avenue; thence easterly along the center line of Saint Peter's avenue to the end thereof; thence easterly in a straight line to a point where the line of said city and town of Floyd is intersected by the center line of East Dominick street, or the River road (so-called); thence southerly along said line of the city of Rome and town of Floyd to the center line of the Mohawk river; thence running up said river and the center thereof to the center line of Dominick street; thence westerly along the center line of Dominick street to the intersection thereof with the center line of James street; thence northerly along the center line of James street to the intersection

thereof with the center line of Stanwix street to the place of beginning, shall comprise the first ward.

Second ward.—All that part of said city bounded as follows, namely: Lying south of the first ward and east of a line commencing at the intersection of said James and Dominick streets, and running along the center of said James street and the Madison plank road to the intersection of said plank road with the road to Verona village at the former Oneida county poorhouse, and thence along the center of said Verona road to the city line, shall comprise the second ward.

Third ward.—All that part of said city described as follows, namely: Lying westerly of the second ward and southerly of a line commencing at the intersection of said James and Dominick street produced along the center of the highway to the junction of the Rome and Taberg and former Rome and Oswego plank roads; thence running along the center of said last named road to the city line, shall comprise the third ward.

Fourth ward.—All that part of said city described as follows, namely: Lying northerly of the third ward and westerly of a line commencing at the center of said Dominick street and George street in the former village of Rome; running thence up the center of said George street to Thomas street in said village; thence running along the center of said Thomas street to the Cemetery road (so-called); thence along the line in the center of said Cemetery road produced to the line of said city and the town of Lee, near the hotel formerly owned or occupied by William H. Smith, at Lee Line (so-called), shall comprise the fourth ward.

Fifth ward.—All that part of said city described as follows, namely: Beginning at a point in the center line of Washington street intersected by the center line of Liberty street, running thence northerly along the center line of Washington street to its intersection with the center line of Garden street to its intersection with the center line of Turin road; thence northerly along the center line of Turin road to its intersection with the line of the city of Rome and town of Lee; thence westerly along said last mentioned lines to the point of its intersection with the Cemetery road (so-called); thence southerly along the center line of said Cemetery road to its intersection with the center line of Thomas street; thence easterly along the center line of Thomas street to its

intersection with the center line of George street; thence southerly along the center line of George street to its intersection with the center line of Liberty street; thence easterly along the center line of Liberty street to its intersection with the center line of Washington street, the point and place of beginning, shall comprise the fifth ward.

Sixth ward.—All that part of said city described as follows, namely: Beginning at a point at the intersection of James and Dominick streets, running thence northerly along the center of James street to the intersection thereof with the Wright Settlement road near the Ridge Mills; thence along the center of the Wright Settlement road and the Watson Hollow road to the line of the city of Rome and town of Floyd; thence northerly along said line to the line of the city of Rome and town of Western; thence westerly along said last mentioned line and the line of the city of Rome and town of Lee to the center of Turin road; thence southerly along the center of said Turin road to its intersection with the center line of Garden street; thence easterly along the center line of Garden street to its intersection with the center line of Washington street; thence southerly along the center line of Washington street to its intersection with the center line of Liberty street; thence westerly along the center line of Liberty street to its intersection with the center line of George street; thence southerly along the center line of George street to its intersection with the center line of Dominick street; thence easterly along the center line of Dominick street to its intersection with the center line of James street, the place of beginning, shall comprise the sixth ward.

Seventh ward.—All that part of said city described as follows, namely: Beginning at a point at the intersection of James and Stanwix streets, in the city of Rome, running thence along the center of said James street to the intersection thereof with the Wright Settlement road, near the Ridge Mills; thence along the center of the Wright Settlement road and the Watson Hollow road to the line of said city and the town of Floyd; thence running along said line southerly to a point where said line is intersected by the center line of East Dominick street, or the River road (so-called); thence westerly in a straight line to a point in the center

line of the easterly end of Saint Peter's avenue; thence westerly along the center line of Saint Peter's avenue to the intersection thereof with the center line of Stanwix street; thence westerly along the center line of Stanwix street to the intersection thereof with the center line of James street, the place of beginning, shall comprise the seventh ward.

§ 4. Corporation tax district. That portion of said city comprised within the following limits shall be known and designated as the "Corporation Tax District," namely: Beginning at the northwest corner of the Saint Peter's Catholic Cemetery as it existed in the year eighteen hundred and seventy, on the southerly line of Dominick street, and running thence in a straight line to the point where the northerly line of Bloomfield street extended strikes the northerly margin of the Mohawk river; thence northwesterly through the point where the center of the highway known as the Floyd road intersects the division line between the lands owned in eighteen hundred and seventy by John Stryker and Edward and Benjamin N. Huntington, lying on the southerly side of said road to the easterly line of appropriation of the Black River canal; thence northerly along the said appropriation line to a point where a straight line extended easterly from where the northerly line of John S. Williams land intersects the westerly line of Turin road and passing through the intersection of the center lines of George and Walnut streets would intersect said appropriation line; thence running westerly along said last mentioned line to the said intersection of the westerly line of Turin road with the northerly line of land of John S. Williams; thence southwestwardly to the intersection of the center lines of Levitt and Thomas streets; thence westerly to the point where the northerly line of Liberty street intersects the line between subdivision lots numbers five and six in great lot number three of the fourth allotment of the Oriskany Patent (being the southeast corner of Saint Mary's Cemetery); thence southerly along the last mentioned line extending to a point ten rods southerly (measured on said line) from the southerly appropriation line of the Erie canal; thence easterly to the point where the southerly line of the late village of Rome intersects the center line of James street; thence in a straight line southwestwardly to the south corner of the late village of

Rome (being a point due south eighty rods from the entrance of the old canal feeder into the Erie canal), thence easterly to the southwest corner of the said Saint Peter's Catholic Cemetery, as it existed in eighteen hundred and seventy; thence along the west line of said cemetery to the place of beginning.

§ 5. Definitions. Unless otherwise stated, whenever used in this act:

1. "Person" includes a natural person, corporation, company, association, joint stock association, estate, firm and copartnership.

2. "Officer" includes all persons elected to office by the electors of the city or any division thereof; the heads of departments, the members of all boards and commissions appointed by the mayor, and the city clerk.

3. "Employee" includes all persons other than an officer, as herein defined, whose salary or compensation is paid out of the city treasury.

4. "Street" includes avenue, road, alley, land, highway, boulevard, concourse, driveway, bridge, tunnel, subway, parkway and every kind of public road, square and place.

5. The words "the board," "the department," "the court," "the commissioner," used in this chapter, mean the board, department, court or commissioner whose duties and powers are prescribed in this chapter.

6. The "fiscal year" of the city shall be the calendar year.

7. "Local improvement" includes the construction of parks, water works, curbs, gutters, sidewalks, drains, culverts and sewers and the opening, extending, widening, grading and paving of streets and other improvements to be paid for by special assessment.

8. "Council" as used in this chapter means the common council.

ARTICLE III.

OFFICERS AND ELECTIONS.

- Section 6. Elective officers.
 7. Appointive officers.
 8. Qualifications.
 9. Term of office of elective officers.
 10. Term of office of appointive officers.
 11. Certificate of appointment.
 12. Official oath and undertaking.
 13. Restrictions, officers not to be interested in contracts.
 14. City elections.
 15. Resignations.
 16. Vacancies.
 17. Fixed salaries.
 18. Additional fees or compensation not to be paid.

§ 6. Elective officers. There shall be elected by the qualified electors of the city a mayor, city judge, special city judge and justice of the peace. There shall be elected by the qualified electors of each ward of the city an alderman and a supervisor. There shall also be elected by the qualified electors of the city and of the wards thereof such other officers as may be provided by law.

§ 7. Appointive officers. There shall be appointed by the mayor, three assessors, a corporation counsel, a city treasurer, a commissioner of public works, a commissioner of public welfare, an examining board of plumbers, as provided by the general city law, two constables and three civil service commissioners. Other officers may be appointed as provided in this chapter or otherwise by law.

§ 8. Qualifications. Every person elected or appointed to office shall possess the qualifications prescribed by section three of the public officers law. A person elected to the office of alderman must be an elector of the ward from which he is elected, and a person elected to the office of supervisor must be an elector of the ward from which he is elected. No person shall be eligible to the office of city judge or special city judge of the city court of Rome or of corporation counsel unless he has been admitted to practice as an attorney and counselor in the supreme court of the state of New York, and has had at least three years' active practice of his profession in the state of New York. No person shall be eligible

to appointment to the office of city engineer unless he be a civil engineer of at least three years' practical experience in his profession or a graduate of a technical school or college. No person shall be eligible to appointment to the office of city treasurer unless he shall be a qualified accountant and shall have had at least three years' experience as a bookkeeper prior to such appointment. If an officer ceases to be a resident of the city, or if a supervisor or an alderman ceases to be a resident of the ward from which he is elected, his office thereupon shall become vacant.

§ 9. Term of office of elective officers. The term of office of an elective officer, unless elected to fill a vacancy then existing, shall commence on the first day of January next succeeding his election. The term of office of the mayor, the aldermen and the supervisors shall be two years. The term of office of the city judge, special city judge and justice of the peace shall be four years. The elective officers now in office, except as hereinafter provided, shall continue to hold their respective offices until the term of office to which they have been elected as heretofore provided by law shall expire.

§ 10. Term of office of appointive officers. Within thirty days after the passage of this act, the mayor shall appoint a corporation counsel, a commissioner of public works, a commissioner of public welfare, three civil service commissioners and an examining board of plumbers, all of whom shall hold office until the thirty-first day of December, nineteen hundred and twenty-one, unless sooner removed by the mayor. Thereafter a full term for each of such officers shall be two fiscal years, except that the mayor elected at the general election in the year nineteen hundred and twenty-one shall appoint all such officers whose term of office shall commence on the first day of January, nineteen hundred and twenty-two, and continue for two fiscal years and except that civil service commissioners shall be appointed to serve only during the pleasure of the mayor. On January first, nineteen hundred and twenty-three, the mayor shall appoint a city treasurer who shall hold office for two years unless sooner removed by the mayor and who shall thereafter be appointed by the mayor for a full term of two years. On January first, nineteen hundred and twenty-one, the mayor shall appoint two constables who shall hold office for one year unless sooner removed by the mayor and who shall thereafter be appointed by the mayor for a full term of two years, and who shall perform such duties as are by law prescribed for constables

in the towns and counties of the state, except as otherwise provided herein. The term of office of each appointive officer shall begin on the day succeeding his appointment and qualification unless a different date is specified in the certificate of appointment, or in this act. Where the term of office of an appointive officer is not specifically fixed by statute it shall be deemed to continue only during the pleasure of the officer, officers, board or body authorized to make the appointment. The appointive officers now in office shall continue as such officers until their successors shall be appointed and shall qualify; but for the purpose of appointing such successors their respective offices shall be deemed to be vacant. Such vacancies shall be filled and such officers appointed by the mayor, officer or board authorized by this chapter to make original appointments within thirty days after this chapter takes effect.

§ 11. Certificate of appointment. Every appointment to a city office must be made by a certificate in writing signed by the appointing officer, or if it be made by a board, by the presiding officer thereof, and filed in the office of the city clerk.

§ 12. Official oath and undertaking. Before entering upon his duties, any officer must take and file with the city clerk the constitutional oath of office, except the city clerk shall take and file his oath of office with the mayor. No person elected or appointed to a city office shall enter upon or continue in the discharge of the duties of his office until he shall have executed and filed with the city clerk the official undertaking, if any, required to be given and the same shall have been approved as to form and validity by the corporation counsel and as to the sufficiency of the sureties by the mayor. All such undertakings shall be recorded in the office of the city clerk. In addition to the city officers required in this chapter, or otherwise by law, to give official undertakings, the common council may require any other city officer to give an official undertaking in such penal sum and with such conditions and sureties as it shall direct and approve. It may also, in a proper case, require an undertaking of any officer in addition to that required by law. The mayor shall examine the sufficiency of the proposed sureties of any officer or person from whom an official undertaking is required and may require such sureties to be examined on oath as to their property qualifications and liabilities. The deposition of each surety shall be reduced to writing, subscribed by him, certified by the officer administering the

oath and annexed to and filed with the required official undertaking. In case any city officer shall fail to file the required official undertaking, if an elective officer, within thirty days after the receipt of the certificate of election or if an appointive officer, within fifteen days after the receipt of notice of his appointment, the office shall be deemed to be vacant, and the vacancy shall be filled in the manner herein provided or the filling of a vacancy therein happening otherwise than by expiration of term. The official undertaking of a city officer shall not be a lien upon real estate owned by him or the sureties on such undertaking.

§ 13. Restrictions; officers not to be interested in contracts. No member of the common council or other officer or employee of the city, or person receiving a salary or compensation from funds appropriated by the city, shall be interested directly or indirectly in any contract to which the city is a party, either as principal, surety or otherwise; nor shall any such member of the common council, city officer or employee or person, or his partner, or any agent, servant or employee of such officer, employee or person or of the firm of which he is a partner, purchase from or sell to the city, or any officer thereof, any real or personal property for the use of the city, or any board or officer thereof, nor shall he be interested, directly or indirectly, in any work to be performed for, or services rendered to or for it, or in any sale to or from said city, or to any officer, board or person in its behalf. Any contract made in violation of any of these provisions shall be void. A person shall not be deemed to be interested in a contract, purchase or sale made by a corporation with, from or to the city solely by reason of the fact that he is a stockholder of such corporation.

§ 14. City elections. The first election of city officers under this chapter shall be held on the Tuesday succeeding the first Monday in November in the year nineteen hundred and twenty. The second election of city officers under this chapter shall be held on Tuesday succeeding the first Monday in November in the year nineteen hundred and twenty-one. All such elections shall be held at the same time and places as the general election held in such year, and shall be conducted in all respects in the same manner as general elections in cities are required to be conducted, and all the provisions of law relative to such elections shall be applicable to the election for officers of the city. In case of the

failure to elect an elective city officer, except as otherwise provided herein, the office shall be deemed to be vacant for the purpose of choosing a successor and the vacancy shall be filled in the manner provided herein for the filling of a vacancy in such office happening otherwise than by expiration of term.

At the general election in the year nineteen hundred and twenty and every fourth year thereafter there shall be elected by the electors of the city, a city judge, a special city judge and a justice of the peace who shall hold office for a term of four years from the first day of January next succeeding said election; at the general election in the year nineteen hundred and twenty and every second year thereafter there shall be elected by the electors, respectively, of the second, fourth, sixth and seventh wards, an alderman, who shall hold office for a term of two years from the first day of January next succeeding said election.

At the general election in the year nineteen hundred and twenty-one and every second year thereafter there shall be elected by the electors of the city, a mayor, by the electors, respectively, of the first, third and fifth wards, an alderman from each ward, and by the electors of each ward a supervisor from each ward, all of whom shall hold office for a term of two years from the first day of January next succeeding said election.

§ 15. Resignations. Resignations of elective officers must be presented to the mayor, and of all other officers to the appointing board or officer, and such resignations must thereupon be filed in the office of the city clerk.

§ 16. Vacancies. If a vacancy shall occur, otherwise than by expiration of term, in any elective office of the city, the mayor shall appoint a person of the same political faith of the last incumbent to fill such vacancy until the end of the official year in which said vacancy occurs, except as herein otherwise provided. If the term of office of the officer vacating his office continues beyond the official year in which such vacancy occurs, a person shall be elected at the next annual city election after the occurring of such vacancy to fill such vacancy for the remainder of the unexpired term, except as herein otherwise provided. If a vacancy shall occur in an appointive office of the city, otherwise than by expiration of term, the officer, officers, board or body authorized to make the appointment to the office for the full term shall appoint a person to fill such vacancy for the unexpired term.

§ 17. Fixed salaries. The annual salary of the mayor shall be

fifteen hundred dollars; of the judge of the city court twenty-five hundred dollars; of the special judge of the city court three hundred dollars; of each of the aldermen two hundred and fifty dollars, except the alderman elected president of the common council who shall receive four hundred dollars. The supervisors shall be entitled to the same compensation for services as the supervisors in towns in the county of Oneida are entitled to for like services. The salaries of all other officers and appointees, with the exception of the justice of the peace and the two constables who shall receive all the fees and compensation of justices of the peace and constables respectively of the several towns of this state, shall be fixed by the board of estimate and contract by a resolution adopted by a three-fifths vote of all its members subject to such limitations and restrictions as are hereinafter provided. The salary of the city clerk, city treasurer and corporation counsel shall not exceed the sum of twenty-four hundred dollars each per annum. All of said salaries shall be payable in installments as directed by the board of estimate and contract.

§ 18. Additional fees or compensation not to be paid. The compensation fixed by this act or by general law for the several officers shall be in full for all services which they shall respectively perform in any and all capacities. No officer of the city, except the justice of the peace and the two constables shall have or receive to his use any perquisites, compensation or fees for services pertaining directly or indirectly or which may hereafter be added, to the duties of his office, in addition to his salary; and all perquisites, compensation and fees paid to and received by any such officer for services pertaining directly or indirectly, or which may hereafter be added, to the duties of his office, other than his salary received from the city, shall be the property of the city, and shall be paid by the officer receiving the same into the city treasury.

ARTICLE IV.

GENERAL CITY POWERS AND POWERS OF COUNCIL.

Section 25. General city powers.

26. Legislative power.

27. Members; president; organization of council.

28. City clerk.

29. Meetings.

30. Powers.

31. Legislative acts.

Section 32. Appropriations.

33. Disposition of real estate; franchise.
34. Procedure after passage of ordinance.
35. Record of ordinances.
36. Regulations of duties of officers.
37. Executive functions; how performed.
38. Penalties for violation of ordinances.
39. Designation of official paper; official printing.
40. Penalties.
41. Enlarging corporation tax district.
42. Examining committees.
43. City hall.

§ 25. General city powers. In addition to all other powers conferred by law the city of Rome shall have power:

1. To contract and be contracted with and to institute, maintain and defend any action or proceeding in any court.

2. To take, purchase, hold and lease real and personal property within and without the limits of the city, and acquire by condemnation real and personal property within the limits of the city, for any public or municipal purpose, and to sell and convey the same, subject to the limitations and restrictions provided in this act.

3. To take by gift, grant or devise and to hold and administer real and personal property within and without the limits of the city, absolutely or in trust for any public or municipal purpose, upon such terms and conditions as may be prescribed by the grantor or donor and accepted by the city.

4. To levy and collect taxes on real and personal property for the various purposes authorized or contemplated by this act and otherwise by law.

5. To become indebted for any municipal purpose and to issue therefor the obligations of the city, to determine upon the form and the terms and conditions thereof, and to pledge the faith and credit of the city for payment of principal and interest thereof, or to make the same payable out of or a charge or lien upon specific property or revenues: to pay or compromise claims equitably payable by the city, though not constituting obligations legally binding on it, but it shall have no power to waive the defense of the statute of limitations or to grant extra compensation to any public officer, servant or contractor.

6. To make and use a common seal and alter it at pleasure.

7. To establish and maintain sinking funds for the liquidation of principal and interest of any indebtedness, and to provide for the refunding of any indebtedness other than certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained or to be contained in the taxes for the year when such certificate or revenue bonds are issued or in the taxes for the year next succeeding, and payable out of such taxes.

8. To lay out, establish, construct, maintain, continue, operate, alter, extend and discontinue sewer and drainage systems and water supply systems; to establish, construct, maintain, operate and regulate lighting systems for lighting streets, public buildings and public places of the city and for providing light to the inhabitants thereof and to acquire electric power or electricity for producing light or power and to furnish light and power to private consumers; and to continue, lay out, establish, construct, contribute to, maintain and operate markets, parks, playgrounds and libraries and public places, and upon the discontinuance thereof to sell and convey the same, subject to the limitations and restrictions provided in this act.

9. To acquire, lay out, open, construct, extend, widen, contract, alter, straighten, level, grade, pave, repave, surface, resurface, improve, repair, maintain, care for, clean, oil, sprinkle, flush and discontinue streets, and to establish and alter the grade thereof and of sidewalks, and to either make the cost thereof a general charge against the city or assess the cost thereof in whole or in part against the property determined by the council to be benefited thereby.

10. To construct, flag, surface, alter, repair, maintain, care for and clean sidewalks, gutters and curbs in the public streets and to regulate the grade, width, materials and construction thereof; and to either make the cost thereof a general charge against the city, or assess the cost thereof against the owners of abutting property in whole or in part; or in its discretion to permit the owners of abutting property to carry out the requirements of the city at their own expense under the direction and supervision of the city.

11. To establish, construct, and maintain, operate, alter and discontinue bridges and tunnels and approaches thereto.

12. To grant franchise or rights to use the streets, waters, public ways and public places of the city.

13. To construct and maintain public buildings, public works and public improvements, including local improvements, to determine the property benefited thereby, and to assess and levy upon the property benefited thereby the cost thereof, in whole or in part.

14. To prevent and extinguish fires and to protect the inhabitants of the city and property within the city from loss or damage by fire or other casualty. To establish, continue, discontinue, alter and maintain a fire department of volunteer members, or partly of paid employees and partly of valunteer members, or wholly of paid employees. To regulate such fire department as to operation, discipline, organization, equipment, number and compensation of employees, duties and local powers. To purchase and provide apparatus, equipment and appliances for such fire department.

15. To continue, alter and maintain a police department and to regulate the same as to operation, discipline, organization, equipment, number and compensation of employees, duties and local powers. To purchase and provide apparatus, equipment, and appliances for such police department.

16. To maintain order, enforce the law, protect property and preserve and care for the safety, health, comfort and general welfare of the inhabitants of the city and visitors thereto; and for any of said purposes to regulate and license occupations, businesses and public exhibitions.

17. To establish, maintain, manage and administer hospitals, sanitarium, dispensaries, public baths, almshouses, a jail and other charitable and correctional institutions; to relieve, instruct and care for children and poor, sick, infirm, defective, insane or inebriate persons; to provide for the burial of indigent persons; to contribute to or supervise charitable, eleemosynary, correctional or reformatory institutions for the benefit or relief of inhabitants of the city, which are wholly or partly under private control.

18. To establish and maintain such institutions and instrumentalities for the instruction, enlightenment, improvement, entertainment, recreation and welfare of its inhabitants as it may deem appropriate, or necessary for the public interest or advantage.

19. To determine and regulate the number, designations, terms of employment, qualification, powers, duties and compensation of all employees of the city, and the relations of such employees to the officers of the city and to each other.

20. To create a municipal civil service; to make rules for the classification of the offices and employments in the city service, for appointments, promotions and examinations, and for the registration and selection of laborers.

21. To regulate the manner of transacting the city's business and affairs and the reporting and accounting for all transactions of or concerning the city.

22. To designate streets by name or number and to change such designation. To designate by number lots and buildings, to change such designation, and to compel the owners or occupants of any lots or buildings to place its designated number in a prominent place thereon.

23. To regulate the use of streets, sidewalks and public places by pedestrians, animals or vehicles; to regulate parades and public assemblages in the public places of the city. To regulate and control the opening of street surfaces; to regulate and prevent the depositing of ashes, garbage, rubbish or filth of any kind upon the streets; to regulate the use of streets for lights, signs, awnings, horse troughs, urinal, posts, poles, and wires; to regulate public criers, advertising and noise in the streets; to regulate the exhibition of advertising or handbills on the streets; and to make such regulations in reference to the running of stages, omnibuses, trucks, taxi-cabs, trolley cars and other vehicles as may be necessary for the safe or convenient use of the streets, highways, stations and public places.

24. To require of any officer or employee of the city a bond or undertaking for the faithful performance of his duty; to determine the amount, form and sufficiency of the sureties thereof; and in its discretion to pay the premium thereon, if any.

25. Subject to the constitution and general laws of the state, to provide for licensing and otherwise regulating auctioneers, pawn brokers, junk dealers, dealers in second hand articles, hawkers, vendors, peddlers, public cartmen, truckmen, hackmen, cabmen, expressmen, car drivers, bootblacks, porters, scavengers, sweepers, theaters, bowling alleys, shooting galleries, billiard parlors, skating rinks, circuses, menageries, public exhibitions, and other places of amusement and common shows, bone boiling, fat rendering, slaughtering, and other noxious business.

26. To regulate the rates of fare to be taken by owners or drivers of stages, hackney coaches, cabs, carriages, taxicabs, omnibuses and other vehicles for public hire.

27. To license, regulate or prohibit within the limits of the city the manufacture, sale, transportation, storage, preparation or use of gunpowder, dynamite, nitro-glycerine and other explosives, kerosene, petroleum, gasoline and other combustible and dangerous materials, and to prohibit within the limits of the city the carrying on of any noxious business.

28. To regulate or prohibit the emission of smoke, noxious gases, deposits or other pollutions from buildings, locomotives, engines, boats and other sources.

29. To regulate building and construction, and to prohibit the erection, construction, or repair of buildings, walls, bill-boards or other structures within the city except in compliance with such regulations.

30. To fix, extend, contract, and alter the limits of fire districts, and to prohibit the erection or construction therein of buildings except in compliance with such regulations as to construction and materials, as may be prescribed.

31. To regulate the use of all buildings, used for the purpose of public assemblies; to prohibit the use of such buildings except in compliance with its requirements for the safety, security and health of persons therein; to raze or demolish any buildings or erections which by reason of fire, faulty construction or from any other cause may be dangerous to human life or health.

32. To provide for the collection, removal and disposal of garbage, ashes, dead animals and rubbish.

33. To determine the existence and direct the removal of a public nuisance in any part of the city.

34. To regulate or prohibit the places of bathing in the rivers, streams and ponds within the city.

35. To regulate or prohibit coasting on the streets of the city.

36. To establish and regulate public pounds, and to restrain the running at large of animals and poultry in the streets of the city under penalty, and to authorize the distraining, impounding and sale of the same for the penalty incurred, and costs of keeping and proceedings.

37. To regulate or prohibit the burial of the dead within the city, but it shall not have the power to prohibit the burial of one body in one grave in any cemetery now established within the city; to protect, maintain and care for public cemeteries and to restrict and prevent the extension of their limits.

38. To regulate by ordinance any matters within the powers

of the city; and to provide for the enforcement of ordinances by legal proceedings to compel compliance therewith, and by penalties, forfeitures, and imprisonment to punish violations thereof.

39. To appropriate and raise by tax money for any purpose herein specified, and generally to exercise all powers necessary and proper for carrying into execution the powers granted the city.

40. To determine whether improvements made by virtue of any of the powers hereby granted are general improvements or local improvements, and where any such improvements are determined to be local improvements to determine the property benefited thereby and to assess the cost of such improvement either in whole or in part against the property benefited.

41. To hold and convey any real estate or interest in real estate now owned, possessed or held in the name of and vested in the city of Rome and the said corporation shall also have the powers and privileges now or hereafter conferred by the statutes of this state upon cities of its class as well as those conferred by this act.

POWERS OF COUNCIL.

§ 26. Legislative power. The legislative power of the city, however conferred or possessed by it, is vested in the common council thereof, and it has authority to enact ordinances, not inconsistent with law, for the government of the city and the management of its business, for the preservation of good order, peace and health, for the safety and welfare of its inhabitants and the protection and security of their property; and its authority, except as otherwise provided in this chapter, or by law, is legislative only.

§ 27. Members; president: organization of council. The aldermen of the city shall constitute the common council thereof. The members of the common council elected under the provisions of this chapter, shall meet in the rooms provided for the purpose at eight o'clock in the evening on the second day of January, nineteen hundred and twenty-one, and each year thereafter, or if that be Sunday, then on the next day, and organize. They shall elect a president from their number who shall preside over all meetings of the council and have a voice and vote therein, and who shall appoint all standing committees of the council. At the meeting held in January, nineteen hundred and twenty-three, and each year thereafter, the common council shall elect a clerk, who shall be the city clerk. The common council may at any regular

meeting elect one of its members president pro tempore to act during the temporary absence or disability of the president. The members and president of the common council, and city clerk now in office shall continue as such for the period for which the respective members were elected under chapter six hundred and fifty of the laws of nineteen hundred and four as amended, and shall perform the duties and exercise the functions and powers herein enumerated.

§ 28. City clerk. The city clerk shall attend the meetings of the common council, keep a journal of its proceedings and discharge such other duties as may be prescribed by law and ordinance. He may appoint to hold office during his pleasure such subordinates as may be prescribed by the board of estimate and contract. It shall be the duty of the said clerk to transmit to the head of each department and board copies of all ordinances in any manner affecting any of the matters of which any such department or board shall have jurisdiction. He shall have the custody of the city seal and shall be the clerk to all boards unless otherwise provided by law, by the board of estimate and contract or in this act. The city clerk or deputy clerk before entering upon the duties of his office shall execute and file with the city treasurer an official undertaking in such penal sum as may be prescribed by the common council. The city clerk shall be ex-officio a commissioner of deeds.

§ 29. Meetings. The common council shall hold regular meetings at least once a month at times to be determined by it from time to time. The mayor, the president of the common council, or a majority of its members, may call a special meeting of the common council by causing a written notice thereof, specifying the objects of the meeting, to be served by the city clerk upon each member personally at least six hours before the time fixed for such meeting, or by mail directed to his place of residence or place of business at least twenty-four hours before the time fixed for such meeting.

§ 30. Powers. The common council shall determine the rules of its own proceedings and be the judge of the election returns and qualifications of its members. Its meetings shall be public and its records open to public inspection and a majority of all its members shall constitute a quorum to do business. The common council may compel the attendance of absent members at any meeting properly called, and may punish or expel a member for

disorderly conduct, for a violation of its rules or for official misconduct, or declare his seat vacant by reason of absence, provided such absence has continued for the space of two months; but no expulsion shall take place and no vacancy on account of absence be declared except by the vote of five-sevenths of all the members of the common council, nor until the delinquent member has had an opportunity to be heard in his defense. All appointments or designations made by the common council shall be determined upon a vote taken by a roll call of its members, and a statement of the choice of each member or the yeas and nays, if any, shall be entered upon the journal.

§ 31. Legislative acts. All the legislative acts of the common council shall be by ordinances, and on the passage of every ordinance, the yeas and nays of the members voting thereon shall be entered in full upon the journal. The passage of an ordinance shall require the affirmative vote of at least a majority of all the members of the common council except as herein otherwise provided. No ordinance shall be passed by the common council on the same day in which it is introduced, except by unanimous consent.

§ 32. Appropriations. No appropriation of money shall be made for any purpose except by ordinance specifying each item, the amount thereof, and the department or specific purpose for which the appropriation is made.

§ 33. Disposition of real estate; franchise. No ordinance shall be passed making or authorizing a sale or lease of city real estate or for any franchise belonging to or under control of the city, except by a vote of five-sevenths of all the members of the common council. In case of a proposed sale or lease of real estate or of a franchise, the ordinance must provide for a disposition of the same at public auction to the highest bidder, under proper regulations as to the giving of security and after public notice to be published once each week for three weeks in the official paper. A sale or lease of real estate or a franchise shall not be valid or take effect unless made as aforesaid and subsequently approved by a resolution of the board of estimate and contract. No franchise shall be granted or be operated for a period longer than fifty years. The common council may, however, grant to the owner or lessees of an existing franchise, under which operations are being carried on, such additional rights or extensions in the street or streets in which the said franchise exists, upon

such terms as the interests of the city may require, with or without an advertisement, as the common council may determine; provided, however, that no such grant shall be operative unless approved by the board of estimate and contract, and also by the mayor.

§ 34. Procedure after passage of ordinance. Every ordinance of the common council shall immediately after its passage be separately engrossed and signed by the officer presiding at its final passage and attested by the clerk. The clerk shall thereupon present the same to the mayor. If the mayor approve it he shall sign it and return it to the clerk, and the ordinance shall thereupon take effect. If he disapprove it, he shall return it to the clerk with his objections stated in writing, and the clerk shall present the same with such objections to the common council at its next regular meeting. The common council may at its next regular meeting thereafter, reconsider the same; if, after such reconsideration, five-sevenths of all the members of the common council shall vote to pass the ordinance the same shall take effect notwithstanding the objections of the mayor, unless a greater number of members were necessary according to the provisions of this chapter for the original passage of the ordinance, in which case unless as many members as were requisite for the original passage of the ordinance shall vote to pass the ordinance it shall not take effect. If any ordinance shall not be returned by the mayor to the clerk within ten days after it shall have been presented to him or if such ordinance shall be returned within such period without the mayor's approval or disapproval, the same shall take effect in like manner as if the mayor had approved and signed it. If any ordinance presented to the mayor contains several items of appropriation of money or embraces more than one distinct subject, the mayor may approve the provisions relating to one or more items or one or more subjects and disapprove the others. In such case those items or subjects which he shall approve shall take effect and he shall append to the ordinance at the time of signing it a statement of the items or subjects which he disapproves and said items or subjects so disapproved shall not take effect. He shall return to the clerk a copy of such statement and the items or subjects disapproved may be separately reconsidered by the common council and shall only become effective if again passed by it as above provided. All the provisions of this section in relation to ordinances disapproved by the mayor shall apply in

cases in which he shall disapprove any item or subject contained in an ordinance appropriating money or embracing more than one distinct subject.

§ 35. Record of ordinances. Every ordinance shall, upon its taking effect as herein provided, be recorded in a book kept for that purpose by the clerk. Such records shall include the signature of the officer presiding, attestation of the clerk and the mayor's written approval, or in case of his disapproval a memorandum of its passage over his veto; or in case the ordinance took effect because he failed to approve or disapprove and return within ten days, then a memorandum to that effect. Such record or a certified copy thereof shall be presumptive evidence of the passage of the ordinance and of the facts certified. The original engrossed ordinances for each year shall be bound together and kept in the custody of the clerk.

§ 36. Regulations of duties of officers. The common council may, by ordinance passed by five-sevenths of all its members, not inconsistent with this chapter, or other laws of the state, regulate the powers and duties of any city officer or department; and it has power to investigate all city officers and departments and shall have access to all records and papers kept by every city officer or department, and has power to compel the attendance of witnesses and the production of books, papers or other evidence at any meeting of the common council or of any committee thereof, and for that purpose may issue subpoenas signed by the mayor or president.

§ 37. Executive functions; how performed. Whenever an executive or administrative function is by law or ordinance of the common council required to be performed, the same shall be performed by the proper executive or administrative officer or department designated in the law or ordinance, and in case no such designation be thus made the mayor shall make the same, but no ordinance shall be passed interfering with the exercise of the executive functions of the officers, departments and boards of the city, as provided in this chapter or otherwise by law.

§ 38. Penalties for violation of ordinances. Any person violating an ordinance of the common council shall be guilty of a misdemeanor and the common council may provide therein or by general ordinance, that any person guilty of such violation shall be liable to fine which shall not exceed one hundred and fifty dollars in amount, or to imprisonment not exceeding one hundred

and fifty days, or to both such fine and imprisonment, or such ordinance may provide for a penalty, not exceeding five hundred dollars, to be recovered by the city in a civil action. The city may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of, any ordinance of the common council or of the commissioner of public welfare, notwithstanding that the ordinance may provide a penalty for such violation.

§ 39. Designation of official paper; official printing. At the first meeting of the common council elected under the provisions of this act, the council shall designate not more than one newspaper published in Oneida county to be the official paper of the city, and the paper receiving the highest number of votes shall be the official paper for two years and until a successor is designated, except that at the first meeting of the common council after the passage of this act, the council shall designate an official newspaper, as herein provided, which shall be the official newspaper of the city until the thirty-first day of December, nineteen hundred and twenty. Such official paper shall publish such matters and in such form as prescribed by statute or otherwise by general ordinance of the common council. In case an official paper shall refuse or fail to act or perform as such, the common council may in its discretion, as hereinbefore provided, designate a successor. All bids and accounts for publication in official newspapers and all city printing and advertising shall be a city charge. The common council may, by general ordinance, prescribe the form in which the proceedings and reports of the city officers, boards and departments shall be issued, and the printing and binding of the same shall be performed under contract awarded as in the case of other city contracts.

§ 40. Penalties. Any member of the common council who shall knowingly or unlawfully disregard any provision of law applicable to the members thereof, or who shall vote for any ordinance or measure in violation of law, or any appropriation unauthorized by law or in excess of the amount authorized by law, or for any illegal or injurious disposition of corporate property, rights or privileges, shall be guilty of a misdemeanor and liable to the punishment and penalty prescribed therefor, and every member voting in favor thereof shall be individually liable to refund the amount to the city at the suit of any taxpayer.

§ 41. Enlarging corporation tax district. The common council is hereby authorized and is granted power, from time to time, to annex and make any part of the territory of said city, not by this act prescribed as being within the corporation tax district and contiguous to said district, a portion of such district, whenever a majority of the property owners in value of the lands and real estate and residents so proposed to be annexed, according to the valuation of the last preceding assessment roll as to such property, shall petition the same, or whenever the common council shall elect, after public notice to be published once each week for three weeks in the official paper or papers addressed generally to the residents and property owners of the territory therein described as proposed to be annexed, of such intention, and an opportunity given to be heard in opposition; but the common council may, with the approval of the mayor, nevertheless by a majority vote annex the same, and it shall on such vote become a part of such district and thereafter all the provisions of this act relating to the portion of the city within the corporation tax district created hereby, shall govern the territory so annexed.

§ 42. Examining committees. The council may at any time appoint a special committee of its members to inquire whether the laws and ordinances relating to any matter or any department of the city are being faithfully observed, and whether the duties of the officers and employees are being faithfully discharged, and to examine and report whether there are any unnecessary, inefficient or unfit employees, or excessive salaries, wages or compensation paid, and to inquire generally in respect to any and all matters which will conduce to the orderly and economical administration of the business of the city. Such committee shall have access to the records of the city, and for the purpose of any such inquiry shall have the powers conferred upon an officer, person, board or committee by sections eight hundred and forty-three and eight hundred and fifty-four of the code of civil procedure.

§ 43. City hall; designation of rooms and offices. The common council shall have the power and it shall be its duty by ordinance to designate the different rooms and offices in the city hall to be occupied by the various courts, officers, boards and departments of said city.

ARTICLE V.

MAYOR.

Section 50. Executive power.

51. Acting mayor.

52. Consultation with heads of departments.

53. Duties of mayor.

54. Execution of deeds and contracts.

55. Examination of books and accounts.

56. Additional powers and duties.

§ 50. Executive power. The executive power of the city is vested in the mayor, and in such executive officers and departments as are or may be created by law, or by ordinance of the common council.

§ 51. Acting mayor. Whenever there shall be a vacancy in the office of mayor, or whenever by reason of sickness or absence from the city the mayor shall be prevented from attending to the duties of the office, the president of the common council shall act as mayor and possess all the rights of mayor during such period of disability or absence. In case of a vacancy in the office of mayor he shall so act until the first day of January next succeeding the election at which the mayor's successor shall be chosen. It shall not be lawful for the president of the common council when acting as mayor in consequence of the absence or sickness of the mayor to exercise any power of appointment or removal from office unless such sickness or absence shall have continued for a period of sixty days; or to sign, approve or disapprove any ordinance or resolution unless such sickness or absence shall have continued for a period of at least nine days.

§ 52. Consultation with heads of departments. The mayor shall call together the heads of the city departments for consultation and advice upon the affairs of the city as often as he may deem advisable, but not less than once each month; and at such meetings he may call upon the heads of the departments for such reports as to the subject-matters under their control and management as he may deem proper, which it shall be their duty to prepare and submit at once to him. Records shall be kept of such meetings, and rules and regulations shall be adopted thereat for the harmonious, systematic and efficient administration of the affairs of the city, not inconsistent with law or ordinance.

§ 53. Duties of mayor. It shall be the duty of the mayor to

see that the city officers and departments faithfully perform their duties; to maintain peace and good order within the city; to take care that the laws of the state and the ordinances of the common council are executed and enforced within the city; to communicate by written message to the common council at least once a year a statement of the finances and general condition of the affairs of the city, and with such recommendations in relation thereto as he may deem proper; to give such information in relation to the same as the common council may from time to time require; and to call a special meeting of the common council whenever in his judgment it is required by public necessity. He shall also receive and examine into all complaints made against any city officer for neglect of duty or malfeasance in office.

§ 54. Execution of deeds and contracts. The mayor shall, on behalf and in the name of the city, execute all deeds and all contracts made by it, and shall cause to be affixed thereto the city seal.

§ 55. Examination of books and accounts. The mayor shall have authority at all times to examine the books and papers of any officer, employee or department of the city and as often as he may deem proper, to appoint one or more competent persons to examine, without notice, the accounts of any city officer or department, and the money, securities and property belonging to the city in the possession or charge of any officer or department and to report the result of such examination; and he may administer oaths to witnesses and take affidavits in all cases relating to the affairs of the city and its officers and employees, and he may issue a subpoena commanding a person to appear and produce books and papers in his possession.

§ 56. Additional powers and duties. The mayor shall have such other powers and perform such other duties as may be prescribed in this chapter or by other laws of the state or by ordinance of the common council, not inconsistent with law. In case of riot, conflagration or other public emergency requiring it, or at any time within his discretion, the mayor shall have power to call out the police and firemen; he shall have power to appoint such number of special policemen as he may deem necessary to preserve the public peace. Such special policemen shall be under the sole control of the regularly appointed and constituted officers of the police department. They shall have power to make arrests only for public intoxication, disorderly conduct or other offenses against peace and good order. In case of riot or insurrection or

emergency he may take command of the whole police force, including the chief executive officer thereof. He shall also appoint all officers and employecs for whose appointment provision is not otherwise made in this act or by law.

ARTICLE VI.

GENERAL PROVISIONS REGARDING OFFICERS AND EMPLOYEES.

Section 60. Penalty for violation of duty.

61. Elective officers removable by the governor.

62. Removal of appointive officers and employees.

63. Removed officer not eligible for re-election, or appointment.

64. Appointee to be a member of same political party as predecessor.

65. Office hours.

66. Officers, trustees of public property.

67. Annual reports of departments.

§ 60. Penalty for violation of duty. Any officer or employee who wilfully violates or evades any provision of law, or by culpable neglect of duty allows any public property to be lost to the city, shall be deemed guilty of a misdemeanor and, in addition to the penalties imposed by law, shall on conviction forfeit his office or employment.

§ 61. Elective officers removable by the governor. Any elective officer may be removed by the governor in the same manner as a sheriff, except that the governor may direct the inquiry provided by law to be conducted by the attorney-general. After charges have been received by the governor, he may suspend the officer affected thereby for a period not exceeding sixty days pending the investigation.

§ 62. Removal of appointive officers and employees. Except as otherwise provided by the laws of the state of New York or herein otherwise specified, all appointive officers and employees may be removed from office by the officer or board making the appointment in accordance however with the provisions of the civil service law where applicable. A written statement setting forth such removal in every instance shall be signed by the officer or board making such removal and filed in the office of the city clerk.

§ 63. Removed officer not eligible for re-election or appointment.

No elective officer who has been removed from office under any provision of this act shall be eligible for election or appointment to fill the vacancy caused by his removal.

§ 64. Appointee to be a member of same political party as predecessor. In case of a vacancy from any cause in any elective office, the person appointed to fill such vacancy until a successor is elected shall be a member of the same political party as the last incumbent of the office.

§ 65. Office hours. Unless otherwise provided by law, the city offices shall be kept open for the transaction of business each day in the year, Sundays and legal holidays excepted, during such hours as the common council may direct.

§ 66. Officers, trustees of public property. The common council and the several members thereof, and all officers and employees of the city hereby declared trustees of the property, funds and effects of said city respectively, so far as such property, funds and effects are or may be committed to their management or control, and every taxpayer residing in said city is hereby declared to be a cestui que trust in respect to the said property, funds and effects respectively; and any cotrustee or cestui que trust shall be entitled as against said trustee and in regard to said property, funds and effects to all the rules, remedies and privileges provided by law for any cotrustee or cestui que trust; to prosecute and maintain an action to prevent waste and injury to any property, funds and estate held in trust; and such trustees are hereby made subject to all the duties and responsibilities imposed by law on trustees, and such duties and responsibilities may be enforced by the city or by any cotrustee or cestui que trust aforesaid. The remedies herein provided shall be in addition to those now provided by law.

§ 67. Annual reports of departments. The several heads of departments shall present to the mayor annually, on or before the first Monday of February, a report of the proceedings of their respective departments during the preceding year. The mayor shall transmit the same to the common council with any recommendations he may think proper to make, but nothing in this section contained shall be construed to relieve such heads of departments from furnishing such other information as may be required by the mayor or common council at any time.

ARTICLE VII.

DEPARTMENT OF FINANCE.

- Section 80. Temporary and funded debts.
- 81. Issue and sale of bonds.
 - 82. Duties of the treasurer.
 - 83. Claims against the city.
 - 84. Custody and management of sinking funds.
 - 85. Annual financial statement.
 - 86. Fiscal year; department estimate.
 - 87. Annual estimate, other than water expenses.
 - 88. Annual appropriations, bureau of water.
 - 89. Contents of annual estimate.
 - 90. Highways outside corporation tax district.
 - 91. Annual appropriations.
 - 92. Tax budget.
 - 93. Special appropriations.
 - 94. Temporary loans.

§ 80. Temporary and funded debts. Temporary and funded debts of the city, for the various purposes authorized or contemplated by this chapter and otherwise by law, may be created by ordinance of the council, provided, however, that any such ordinance shall, before it takes effect, be submitted to and approved by the board of estimate and contract. Funded debts may be created for any municipal purposes. The creation of funded and temporary debts and the refunding of existing debts shall be subject to the provisions of the general municipal law, except as otherwise herein provided. Every funded debt, refunded or created except to provide for the supply of water, shall be issued in such amounts and shall fall due at such times that the principal of the same shall be fully paid in not more than twenty equal annual installments, the last of which shall become due at the end of not more than twenty years after its issue. Every funded debt, refunded or created to provide for the supply of water shall be issued in such amounts and shall fall due at such times that the principal of the same shall be fully paid in not more than forty equal installments, the last of which shall become due at the end of not more than forty years after its issue, and may by the ordinance creating said funded debt, be made payable out of water rents received by the city. Any bonds of the city here-

tofore issued, other than revenue bonds, and not payable in installments, except as hereinafter provided, may be refunded. No funded debt which is payable in installments shall be refunded, but provision shall be made for the payment of each installment and accrued interest in the year in which it shall become due by the insertion of the proper sum in the annual estimate for the year in question. An ordinance creating a funded debt may provide that the bonds therein authorized shall contain a recital that they are issued pursuant to law and an ordinance of the council, as provided by this section. Such recital, when so authorized, shall be conclusive evidence of the regularity of the issue of said bonds and of their validity. All existing sinking funds shall be continued in the manner now provided by law.

§ 81. Issue and sale of bonds. All bonds of the city for whatever purposes issued shall be advertised and sold by the treasurer at not less than par value either upon sealed proposals or by auction, or both. He shall cause to be published in the official paper once, and in a financial journal circulating in the city of New York for not less than five successive days, Sundays excepted, a notice containing a description of the bonds to be sold, the manner and place of sale and the time when the same shall be sold, or the time limited for the receipt of sealed proposals, which shall not be less than ten days from the first publication of said notice. When the bonds are sold under sealed proposals, no proposal shall be opened until one hour after the time limited for the receipt thereof has elapsed, and all proposals shall be opened in public. Award shall be made to the highest bidder. At any sale of bonds either by auction or under sealed proposals, the treasurer may reject all bids and re-advertise if in his opinion the price offered is inadequate. All bonds shall be signed in the name of the city, by the mayor and treasurer and attested by the city clerk. A list of all bonds shall be kept in the treasurer's office and when any bonds are paid they shall be cancelled by the treasurer.

§ 82. Duties of the treasurer. The treasurer shall superintend the fiscal affairs of the city and manage the same pursuant to law. He may appoint, to hold office during his pleasure, such subordinates as may be prescribed by the board of estimate and contract. He shall keep a separate account with every office, bureau and department, and with each improvement for which funds are appropriated or raised by tax or assessment. No fund shall be

overdrawn nor shall any warrant be drawn against one fund or appropriation to pay a claim chargeable to another. The treasurer shall demand, collect, receive and have the care and custody of and shall disburse all moneys belonging to or due the city from every source, except as otherwise provided by law. All moneys of the city received by the treasurer shall be deposited by him daily to the credit of the city in such banks or trust companies as shall be designated by the board of estimate and contract for such purpose. Each designated depository shall deposit with the treasurer a bond or its equivalent in favor of the city in such sum as the board of estimate and contract shall deem adequate to protect the interest of the city. The interest upon all deposits shall be the property of the city and shall be accounted for and credited to the appropriate fund. No money shall be drawn from a city depository except on check or draft signed by the treasurer and made payable to the person entitled to receive the same. Every check or draft drawn against the city funds shall state particularly against which of such funds it is drawn. The treasurer shall perform such other duties as may from time to time be prescribed by law, or by ordinance of the council, not inconsistent with the provisions of this chapter, or the laws of the state. The treasurer before entering upon the discharge of the duties of his office shall execute and file with the city clerk, an official undertaking in such penal sum as may be prescribed by the council.

§ 83. Claims against the city. No claim against the city except for a fixed salary, for the principal or interest on a bonded or funded debt or other loan, or for the regular or stated compensation of officers or employees in any city department, or for work performed or materials furnished under contract with the board of estimate and contract shall be paid unless a claim therefor, verified by or on behalf of the claimant, in such form as the treasurer shall prescribe, and approved by the head of the department or office whose action gave rise or origin to the claim, and, if the claim be based upon an open market order for merchandise or material furnished for work, labor or services rendered, supported by the original order certified by the treasurer as to available funds, shall have been presented to the city clerk, and shall have been audited and allowed by him. The city clerk shall cause each such claim, upon presentation to him for audit, to be numbered consecutively, and the number, date of presentation, name of claimant and brief statement of character of each claim shall be

entered in a book kept for such purpose, which shall at all times during office hours be so placed as to be convenient for public inspection and examination. No claim shall be audited or paid until at least five days have elapsed after its presentation to the city clerk and the city clerk shall not be required to audit the claim until two weeks have elapsed after the expiration of such period of five days. The city clerk is authorized in considering a claim, to require any persons presenting the same for audit to be sworn before him touching the justice and accuracy of such claim and to take evidence and examine witnesses in reference to the claim, and for that purpose he may issue subpoenas for the attendance of witnesses. If the claimant be dissatisfied with the audit he may appeal to the board of estimate and contract by serving notice of appeal in writing upon the city clerk within ten days after notice of such audit. If any board, department or officer of the city or any taxpayer be dissatisfied with any audit, it, or he, may appeal to the same board on behalf of the city, in like manner by serving notice of appeal upon the claimants and city clerk and the treasurer at any time before payment thereof. The board of estimate and contract shall make rules for the procedure upon the hearing of such appeal and the decision and audit of that board, after the hearing upon the appeal to it, shall be final and conclusive unless an action shall be brought against the city within thirty days after the decision and audit of said board; but if there be no appeal from the original order it shall in like manner be final and conclusive. Upon the appeal herein provided for, the commissioner of public welfare shall take the place of the city clerk as a member of the board. The city clerk and the board of estimate and contract upon an appeal to it, as herein provided, shall have authority to take evidence and examine witnesses in reference to the claim and for that purpose may issue subpoenas for the attendance of witnesses; and the city clerk and each member of the board of estimate and contract is hereby declared to be *ex officio* a commissioner of deeds. When a claim has been finally audited by the city clerk he shall endorse thereon or attach thereto his certificate as to such audit, and the same shall thereupon be filed in and remain a public record in his office, and a copy thereof under his certificate be furnished the treasurer. If any person shall present to the city clerk for audit a claim in the name of any person or firm other than that of the actual claimant, he shall be guilty of a misdemeanor.

§ 84. Custody and management of sinking fund. The treasurer shall have, under the direction of the board of estimate and contract, the custody, investment and management of any sinking funds provided for the payment or redemption of city debts. Sinking funds may be invested only in bonds of the United States or political subdivisions thereof.

§ 85. Annual financial statement. The treasurer shall, within thirty days after the close of each fiscal year, prepare and publish in book or pamphlet form a full and accurate statement in detail of the financial condition of the city in the form and manner prescribed by the comptroller of the state of New York.

§ 86. Fiscal year; department estimates. The fiscal year of the city shall commence on the first day of January. On or before the first day of September, nineteen hundred and twenty, and in each year thereafter all heads of departments including the bureau of water, empowered by law or by city ordinance to control or authorize expenditures shall furnish to the mayor estimates in writing of the amount of expenditures for the next fiscal year in their respective departments or offices, including a statement of the salaries of all their subordinates. Such estimates shall set forth in detail which of said expenditures are to be apportioned upon the property within the corporation tax district, which of said expenditures are to be apportioned upon the property outside the corporation tax district and which of said expenditures are to be apportioned upon the property of the entire city including the property inside and outside the corporation tax district. Said estimates shall also include a statement of the amount expended from each appropriation during the preceding twelve months. The mayor shall lay such estimates before the board of estimate and contract at its first meeting thereafter, and the same shall be entered in its minutes.

§ 87. Annual estimate, other than water expenses. On or before the fifteenth day of September, nineteen hundred and twenty, and in each year thereafter, the board of estimate and contract shall make an itemized statement, in writing, of the estimated revenues and expenditures of the city, excluding the bureau of water, for the next fiscal year which shall be known as its annual estimate. Such estimate shall show in such detail as may be practicable the items of proposed appropriations for the purposes required to be stated in the annual estimate and the conditions imposed by the board, if any, under which the same may be expended.

§ 88. Annual appropriations; bureau of water. On or before the fifteenth day of September, nineteen hundred and twenty, and in each year thereafter the board of estimate and contract shall make an itemized statement, in writing, of the estimated revenues and expenditures of the bureau of water for the next fiscal year. Such estimate shall be presented to the common council at the same time and in the same manner and the procedure for the adoption thereby by the common council shall be the same as is provided herein for the annual estimate of other city expenditures. Upon the adoption of such water estimate the several sums estimated for expenditure therein shall be and become appropriated in the amounts and for the purposes therein specified. The sums therein enumerated as estimated revenues of the bureau of water shall be and become applicable in the amounts therein named, for the purpose of meeting said water bureau appropriations. Provided, however, that no such appropriation for water purposes shall be made in excess of the amounts as it is estimated will be forthcoming from water revenues during the same year.

At the end of each fiscal year, all unexpended balances of the water bureau shall be closed out to a surplus fund. Such surplus fund shall be transferred immediately and held in reserve in the amounts and for the purposes hereinafter specified.

1. An amount equal to the uncollected water rents of the current year shall be set aside in a fund to be known as a "reserve for uncollected water rents."

2. The amounts due any sinking fund provided for the retirement of the city's water supply debt then shall be deducted.

3. After the preceding items have been deducted the commissioner of public works, with the approval of the board of estimate and contract, may apply any portion of such surplus to the payment of interest falling due upon the sewer bonds issued under the provisions of chapter one hundred and ninety-eight of the laws of eighteen hundred and ninety-three.

4. The balance of such surplus fund shall be set aside in a separate fund and held subject to appropriations by the board of estimate and contract for extensions and additions to, or renewals of the water supply system of the city.

§ 89. Contents of annual estimate. The annual estimate shall be made up in four separate and distinct sections as follows: Section one shall include all items of revenue and expense except

for school purposes which are to be apportioned to the corporation tax district; section two shall include all items for school purposes which are to be apportioned to the corporation tax district; section three shall include all items which are to be apportioned to that section of the city outside the corporation tax district; and section four shall include all items which are to be apportioned to the entire city including all property inside and outside the corporation tax district. Each section of the annual estimate shall show in such detail as may be applicable thereto, the following:

1. The sources of revenue of the city, other than from taxation, and an estimate of the probable amounts which will be received from each during the fiscal year, less the amount, if any, required to be deposited to the credit of a sinking fund;

2. All unexpended balances or estimated unexpended balances of the previous fiscal year remaining to the credit of the city or any department, board, commissioner or officer thereof;

3. The amount of each sinking fund, which in the judgment of the board will be available and should be applied to the payment of any bonded indebtedness of the city falling due during such fiscal year;

4. The salaries and compensation of all city officers and employees as previously fixed by or pursuant to law;

5. The cost of equipment, repairs, renewals, supplies and other operating expenses for each department, board, commission, office and court of the city and the rental of suitable buildings or offices, if required, in buildings not owned by the city;

6. The payment of the principal and interest of any bonded or other indebtedness of the city falling due during such fiscal year;

7. The payment of any judgments recovered against the city and payable during such fiscal year;

8. Other matters or purposes as may be required by statute or as the board may determine to be necessary for the administration of the affairs of the city during such fiscal year;

9. Emergencies for which provision is not otherwise made.

After the annual estimate shall have been completed but not later than the first day of October, nineteen hundred and twenty, and in each year thereafter the board of estimate and contract shall submit the same in final form to the council with a statement, in writing, of such reasons for such estimate as it may

deem proper. The council shall as soon thereafter as may be possible, convene and consider the said estimate. It shall give a public hearing to such persons as wish to be heard in reference thereto. After such hearing, and within thirty days after such estimate shall have been submitted to it, the council shall adopt such estimate so submitted or shall diminish or reject any items therein contained, and adopt said estimate as so amended. The council shall not have the power to diminish any items which relate to salaries, estimates of the board of education, the indebtedness or estimated revenues, or sums directed by the board of supervisors of the county to be levied within the city for state and county purposes, or the sums lawfully payable within said fiscal year upon judgments or to sinking funds nor shall the council increase any item for any purpose contained in said estimate.

§ 90. Highways outside corporation tax district. The highways and bridges in that portion of the city outside the corporation tax district shall continue to be improved and maintained as in the case of highways and bridges in towns of the state of New York and all of the provisions of article five of the state highway law, except as herein modified, shall be applicable thereto. The amount of tax to be raised annually for highway purposes outside the corporation tax district, as aforesaid, shall be determined by the board of estimate and contract and shall be certified by said board to the board of supervisors of Oneida county. Such taxes shall be kept in a separate fund to be known as the "highway fund."

§ 91. Annual appropriations. When the council shall have adopted the final estimate of the board of estimate and contract, or said estimate as amended by it, the same shall be entered at large in the minutes and become a part of its proceedings. The several sums estimated for expenditures therein shall be and become appropriated in the amounts and for the several departments, officers and purposes as therein specified for the said fiscal year. The several sums therein enumerated as estimated revenues and the moneys necessary to be raised by tax in addition thereto to pay expenses of conducting the business of the city and for the purposes contemplated by this chapter and otherwise by law, shall be and become applicable in the amounts therein named for the purpose of meeting said appropriation. In case the revenues received by the city exceed the amount of such estimated revenues

named in said annual estimate, or in case there remain any unexpended balances of appropriations made for the support of the city government or for any other purpose, then such surplus revenues or such unexpended balances shall, except as otherwise provided by law, remain upon deposit and be included as a part of the estimated revenues for the succeeding year. When any moneys or revenues are received by any officer, board or department of the city, from any source which are not otherwise appropriated, such moneys or revenues may be used and applied toward and in addition to the funds appropriated, as aforesaid, in such manner as in the judgment of the board of estimate and contract may be most beneficial to the city.

§ 92. Tax budget. The amount of estimated expenditures contained in each section of the annual estimate adopted by the council, less the amount of estimated revenues applicable to the payment thereof shall constitute the respective tax budgets. The council shall levy and cause to be raised by tax the amount of said budgets, and the amount shall be levied, assessed and raised by tax upon the real and personal property liable to taxation in the city at the time and in the manner in this act provided.

§ 93. Special appropriations. Upon the recommendation of the head of a department, board, commission or office of the city, special appropriations may be made by the board of estimate and contract for the purposes for which appropriation may be made in the annual estimate, subject, however, to action thereon by the council as in the adoption of the annual estimate. Moneys required for such appropriations if no unappropriated moneys are available shall be provided by the issue of special certificates of indebtedness, the amount of which shall be included in the next annual estimate. Such special appropriations during any fiscal year shall not be in excess of two thousand dollars, except by vote of the taxpayers or other provision of law.

§ 94. Temporary loan. After the beginning of the fiscal year and after the adoption of said annual estimate the city shall have the power to borrow money for the payment of the debts and expenses of the city within the amounts appropriated therefor for the fiscal year, in anticipation of the receipt of the said taxes and revenues applicable to such purposes.

ARTICLE VIII.

DEPARTMENT OF ESTIMATE AND CONTRACT.

- Section 100. Board of estimate and contract.
- 101. Determination of positions and salaries.
 - 102. Contracts.
 - 103. Proposals.
 - 104. Officers authorized to purchase.
 - 105. Power to purchase and contract limited.
 - 106. Limitation of contracts and expenditures.
 - 107. Penalties for violation of preceding section.
 - 108. To decide application of certain revenues.

§ 100. Board of estimate and contract. There shall be a board of estimate and contract which shall consist of the mayor, treasurer, corporation counsel, city clerk and president of the common council, except that when the number of subordinates or the salaries thereof, in the department of any of the members of the said board are to be fixed and determined the commissioner of public works shall temporarily take the place of the member whose number of subordinates, or the salaries thereof, is under consideration, for the purpose of fixing such salaries or number of subordinates, and for that purpose alone. The members of the board shall meet upon the call of the mayor, or as directed by the board. The mayor shall be the president of the board and the city clerk shall act as clerk thereof. The city clerk shall keep a journal of all the proceedings of the board.

§ 101. Determination of positions and salaries. The board of estimate and contract, except as otherwise provided in this act and by law, shall have authority to fix the salaries or compensation, and determine the positions and numbers of all city officers and employees, of each office, court, board and department.

§ 102. Contracts. Except as otherwise provided by law, it shall be the duty of such board, after public notice and in accordance with regulations to be prescribed by general ordinance of the council, to let to the lowest bidder, who will give adequate security therefor, all contracts for the performance of any work or for the supply of any material required by or for the use of any officer, board or department of the city, in all cases where the expense of such work or materials, or both, shall exceed the sum of two hundred and fifty dollars unless by ordinance of the council, approved

by the board of estimate and contract, it is determined as impracticable to procure such work or materials or both by contract, in which case said ordinance shall designate the officer, board or department to procure such work or purchase such materials. In case of public emergencies involving accident or other injury by which the heating or plumbing of any of the public buildings or any of the fire or water works apparatus shall become disabled, the commissioner having jurisdiction thereof shall cause repairs thereto to be made without a letting by contract, upon filing with the board of estimate and contract a certificate, approved by the mayor, showing such emergencies and the necessity for such repairs. The board shall have power to reject all bids or proposals if in its opinion the lowest bid or proposal is excessive. The said notice shall describe the work and materials for which contract will be let and the day and hour and place of the meeting of the board at which proposals therefor will be opened. Specifications for the performance of any work and for the supply of any materials shall be prepared and set forth with sufficient detail to inform all persons proposing to bid therefor of the nature of the work to be done and of the materials to be supplied, and written or printed copies thereof shall be delivered to all applicants therefor. Every contract for a public improvement shall be based upon an estimate of the whole cost thereof, including all expenses incidental thereto and connected therewith, to be furnished by the proper officer, board or department having charge of such improvements.

§ 103. Proposals. No contracts shall be let except after the receipt of sealed bids or proposals therefor, and no bids or proposals shall be received at any time other than at a regular meeting of said board, and unless they conform to the rules of the board and the general ordinances of the council. All bids or proposals must be indorsed by the title of the work or materials to which they relate, the name of the bidder and his residence. It shall be the duty of each member of the board to be present at the time and place mentioned in the public notice for the receipt and opening of bids or proposals, and such meetings shall be open to the public. After all the bids or proposals have been presented, but not until one-half hour after the time stated in the public notice for holding the meeting, all bids or proposals shall be opened by some member of the board or by its clerk, publicly and in the presence of the bidders and other persons there present, and an abstract of all of

such bids or proposals, with the prices and security offered, shall be transcribed in a book kept for that purpose, without any change, correction or addition whatever. A majority of the board need not be present when such bids or proposals are opened. The board may reject all bids or proposals received at any meeting and advertise again for new bids or proposals to be received at another meeting as above prescribed. No person submitting, or on whose behalf a bid or proposal is submitted, nor the principal or sureties on any bond or security accompanying the same, shall have the right to withdraw or cancel any such bid, proposal or bond until the board shall have awarded the contract for which such bid or proposal is made, and such contract shall have been duly executed. All proposals or bids submitted as provided in this act shall be accompanied by a certified check for at least five per centum of the amount of such bid or proposal.

§ 104. Officers authorized to purchase. Where any work or repairs needed to be done, or materials or supplies to be furnished for any office, court, board or department shall not exceed one hundred dollars in cost the board of estimate and contract may by general or special rule authorize the commissioner of public works, the commissioner of public welfare or the city clerk or a purchasing agent, if provided by the board of estimate and contract, or any of them, to give written orders therefor and purchase the same. No materials or supplies shall be purchased for, or delivered by or upon the order of the commissioner or authorized person to any officer, board, court, body or department of the city, except upon the requisition from the officer, body or head of the department for which the same are required. All claims for any such materials or supplies purchased shall be certified as to the receipt of such materials or supplies by the person who actually received the same and countersigned by the head of the office or department for which they were purchased, before the same shall be presented for audit.

§ 105. Power to purchase and contract limited. No person shall have power to make any purchase or contract any debts for which the city shall be liable unless specifically authorized by the provisions of this chapter.

§ 106. Limitation of contracts and expenditures. The board of estimate and contract, excepting as herein otherwise provided, shall not create any pecuniary obligation whatever on the part of the city which shall not be payable in the current fiscal year

and which cannot be discharged from the income of the same year, provided, however, that nothing herein contained shall prevent the making of contracts for the collection and disposal of garbage, the collection and removal of rubbish and ashes, the cleaning of streets, or the sprinkling of streets or public places for periods exceeding one year or the making of a contract for the lighting of the public streets, parks and places of the city for a period not exceeding five years, but the total amount of the expense of lighting the streets and parks of the city for each year shall be raised by taxation as herein provided. No board or officer shall expend or contract to expend any money or incur any liability upon or by virtue of an open market order until an order in writing, made in triplicate, is submitted to the treasurer and he shall have certified thereon that unexpended funds, appropriated for that purpose, are available to meet a claim therefor if incurred. One of such copies shall be retained by the treasurer, one by the officer issuing the order, and the third shall be delivered to the person furnishing the merchandise or material or who shall perform the service specified therein, and be attached to the claim presented to the city clerk for audit. Any contract, verbal or written, made in violation of this section shall be null and void as to the city, and no moneys belonging to the city shall be paid thereon. Nothing herein contained, however, shall be held to prohibit the commissioner of public welfare from expending such sums or incurring such debts as may be actually necessary to prevent the spread of, or suppress any contagious or infectious disease, or any epidemic in the city, in addition to the amount appropriated for such purposes.

§ 107. Penalties for violation of preceding section. Any officer or member of any board or department of the city, making or voting for any contract prohibited by the preceding section, or auditing any account or claim under such contract, shall be guilty of a misdemeanor.

§ 108. To decide application of certain revenue. Except as otherwise provided by law, the board of estimate and contract shall determine the application of any moneys received by the city, and shall decide whether such moneys are to be applied to the payment of city expenses apportioned to the corporation tax district or to the section outside the corporation tax district or to both.

ARTICLE IX.

DEPARTMENT OF PUBLIC WORKS.

- Section 110. Commissioner and deputy commissioner, of public works.
- 111. Powers and duties of commissioner.
 - 112. Repair of sidewalks; removal of snow and ice.
 - 113. Performance of public work to be certified.
 - 114. City engineer.
 - 115. Duties of city engineer.
 - 116. Alteration of grades and names of streets.
 - 117. Sanitary sewer system.
 - 118. Discontinuance of streets.
 - 119. Streets by prescription.
 - 120. Acquisition of lands.
 - 121. Bureau of water.
 - 122. Expenses of bureau; how apportioned.
 - 123. Sale of water outside city.
 - 124. Water meters.
 - 125. Permits.
 - 126. Extension of water system.
 - 127. Collection of water rents.
 - 128. Preparation of water rent rolls.
 - 129. Notice of assessment.
 - 130. Filing list of roll of water rents.
 - 131. Notice of receiving water rents; time of payment.
 - 132. Cost of public use of water.

§ 110. Commissioner and deputy commissioner of public works. The commissioner of public works shall be the head of the department of public works. He shall appoint, to hold office during his pleasure, such subordinates as may be prescribed by the board of estimate and contract. In case of the absence or disability of the commissioner, or of a vacancy in the office, the mayor may appoint a deputy commissioner who shall discharge the duties of the office until the commissioner returns, his disability ceases or the vacancy is filled. The commissioner and deputy commissioner before entering upon the discharge of the duties of their respective offices shall each execute and file with the city clerk an official undertaking in such penal sum as may be prescribed by the common council.

§ 111. Powers and duties of commissioner. The commissioner, subject to the provisions of law and ordinances of the common council, has cognizance, direction and control of the construction, maintenance, alteration, repair, care, cleaning, paving, flagging, lighting and improving of the streets, highways, sidewalks and public places of the city; of the construction, alteration and repair of all city buildings, except as herein otherwise provided, and of all bridges belonging to the city; of all public sewers and drains in the city; of the construction, maintenance, extension, repair and care of the city water system; of the care, superintendence and management and improvement of all parks and grounds, public baths and play grounds belonging to the city. Except as otherwise provided by law, the commissioner shall have supervision of, control over and jurisdiction and authority to make all ordinary repairs or improvements upon the streets, highways, parks, sidewalks, crosswalks, gutters, vaults, drains, culverts, bridges and public ways and places of the city, including the cleaning of the same, and may employ such laborers and teams and incur such expenditures as may be necessary within the limits of the appropriations made therefor. It shall be his duty to inspect the same with sufficient frequency to ascertain their conditions and cause the same to be kept free from obstructions and in good condition and repair and reasonably safe for public use. The commissioner shall also have general supervision and control of all work performed under any contract of the city for local or other improvements to be performed within or upon any of the public streets, highways, parks, ways and places, or with reference to the public works and ways within the jurisdiction of his department, including the lighting, sprinkling, watering or flushing of the streets or public places, and shall cause the same to be performed in full compliance with the provisions of any contract therefor. Except as otherwise provided by law or ordinance of the common council, the commissioner of public works has, over the streets, highways and public places within the city, all the jurisdiction and is charged with all the duties of town superintendents of highways within the towns of the state.

§ 112. Repair of sidewalks; removal of snow and ice. The commissioner of public works shall have full power and authority to require the owner of property abutting upon a street to construct or repair any sidewalk in front thereof or bring the same to true grade, and to remove the snow and ice therefrom. Where the

owner of such property shall fail or neglect to construct or repair any sidewalk or bring the same to true grade for five days after written notice so to do has been served on him, either personally or by delivering the same at his residence, or if he be a non-resident by mailing the same to him at his last known place of residence, or if the name of the owner or his place of residence cannot be ascertained after due diligence, by posting the same in a conspicuous place upon the premises; or where the owner of any such premises shall fail or neglect to remove snow and ice from any such sidewalk after the same has remained thereon for more than twenty-four hours and the commissioner shall have removed the snow or ice therefrom, or the commissioner of public works with the approval of the board of estimate and contract shall have constructed or repaired such sidewalk or brought the same to grade, a bill for the expenses incurred thereby shall be presented to the owner personally or by leaving the same at his residence or, if he be a non-resident, by mailing the same to him at his last known place of residence, or, if the name of such owner or his place of residence cannot be ascertained after due diligence, by posting the same in a conspicuous place on the premises; and, if he shall fail to pay the same the said board shall file with the common council at the time of filing the annual estimate a certificate of the actual cost of the work, together with a statement as to the property in front of which the repairing or grading or cleaning was done, and the same shall be levied, corrected, enforced and collected in the same manner, by the same proceedings, at the same time, under the same penalties and having the same lien upon the property assessed as the general city tax and as a part thereof.

§ 113. Performance of public work to be certified. All public work performed pursuant to contract under the supervision or control of the commissioner shall, before it is accepted, be certified to by him to the effect that such work has been performed in a good and substantial manner with the materials required, of the quality and in the manner directed by the terms of the contract under which the same was done. Within ten days after the completion of any such work the commissioner shall file a certificate of such completion with the treasurer and with the city clerk, to be reported by the city clerk to the common council. Such certificate shall state in substance that said work has been duly examined by the commissioner and that the same has been fully

performed and completed in accordance with the terms of the contract therefor.

§ 114. City engineer. The commissioner of public works shall appoint a proper and suitable person, as provided by this act, who shall be city engineer.

§ 115. Duties of city engineer. It shall be the duty of the city engineer to perform all the ordinary engineering and surveying services in the affairs and business of the city and to supervise, under the general direction of the commissioner of public works, all the work done for the city in which the skill of his profession may be required or useful. He shall perform such other duties as may be prescribed by the commissioner of public works, the board of estimate and contract or by ordinance of the common council.

§ 116. Alteration of grades and names of streets. The common council shall not change the grade of any street which has been legally established, except by ordinance of the common council and except also upon compensation for damages done, to be ascertained in and by the proceedings provided by law for ascertaining damages for lands taken for the opening of streets. The common council shall not alter the name of any street except by ordinance and unless a majority of the owners of property abutting on such street shall petition therefor, in which case a majority vote shall be sufficient.

§ 117. Sanitary sewer system. The commissioner of public works shall exercise all the rights, powers and privileges, and perform and fulfill all the duties connected with and incident to the care, management, construction and control of the sanitary sewer system of the city of Rome, including extensions and new lines thereof, and necessary repairs. Storm water sewers shall not be deemed and included in and as part of the sewer system of the city for any of the purposes of this act. The city of Rome by its board of estimate and contract is hereby authorized and empowered to cause the commissioner of public works or some other person to construct such new lines and extensions of the sanitary sewer system of said city, and to build, erect, equip, operate and maintain a sewage disposal plant or plants, as shall be recommended by said board, and to acquire all necessary lands and rights of way therefor by purchase or condemnation, but no sewage disposal plant or plants shall be built or erected, unless the same shall be approved by the common council subject to the

provisions of this act. The cost and expense of constructing and laying any and all new lines and extensions of said sewers and of the repairs to and maintenance of the said sewer system of said city, shall be determined in each year by and upon the estimates and requisitions therefor. The common council of said city shall provide for such costs and expenses by general tax, and the same shall be assessed, levied and raised in the same manner and in addition to and in connection with the general tax of said city. In case the common council shall provide for the construction of any sewage disposal plant the cost of construction thereof shall be provided by the issue of bonds as in this act provided and shall be a charge upon the property within the corporation tax district and the bonds issued in payment thereof shall be paid by including in the annual tax levy such amounts as are necessary to pay the principal and interest thereon as they become due.

§ 118. Discontinuance of streets. Whenever the common council shall contemplate the discontinuance of any street, it shall cause a notice to be published for ten days in the official newspaper of the city of its intention so to do, and that all persons interested may be heard in reference thereto at a time stated in such notice. If it shall be determined to discontinue the street and any person shall claim to be damaged by such discontinuance, such alleged damages, unless agreed to be the commissioner of public works and approved by the board of estimate and contract, must be ascertained and determined in the manner provided by law for ascertaining damages for lands taken for the opening of streets. An ordinance discontinuing any street shall require the affirmative vote of five-sevenths of all the members of the common council.

§ 119. Streets by prescription. All lands which shall have been used by the public as a street for twenty years or more continuously shall be a street with the same force and effect as if it had been duly laid out and recorded as such.

§ 120. Acquisition of lands. Whenever any real estate or interest therein shall be required for any municipal purpose, except as otherwise provided by law or in this act, the commissioner of public works may acquire for the city the necessary land and real estate by gift or by purchase, at a price approved by the board of estimate and contract, or by the proceedings specified in the condemnation law, or in the case of property required for street purposes, by the proceedings provided by law for acquiring and ascertaining damages for property taken for purposes of

street openings. Provided, however, that in all cases involving an expenditure of more than one thousand dollars the board of estimate and contract shall have first submitted to the common council its estimates of the cost of such real estate for its approval and action thereupon as provided in this act.

§ 121. Bureau of water. The commissioner of public works shall have the supervision, care, management and control of the bureau of water and water works system of the city. It shall be the duty of the commissioner of public works to see that the city has an abundant supply of pure and wholesome water for public and private use, and also with the assent of the board of estimate and contract, to furnish and place such number of street hydrants for supplying water for use for the extinguishment of fires as he shall deem necessary; to devise plans and sources of water supply; to plan and supervise the construction, maintenance and inspection of the water system and the distribution of water throughout the city; to protect it from contamination and to prescribe rules and regulations for its use which, when ratified and approved by the council shall have the same force and effect as city ordinances.

§ 122. Expenses of bureau; how apportioned. The cost of installation, maintenance and operation of the water supply system shall be paid from the revenues of such system and the commissioner of public works, as provided in this act, is empowered and it shall be his duty to establish in an amount which shall be sufficient to meet said expenses, rates of rents to be charged and paid semi-annually for the supply of water or for the benefits resulting therefrom, to be called water rents, which shall be apportioned to the different classes of buildings and uses in the city consuming water as near as may be according to the usual consumption of water by such different classes of buildings and uses in said city for ordinary purposes, and to buildings and lots that abut or adjoin on the line of any street, alley or place where water supply pipes are laid, and vacant lots so abutting or adjoining, as he may deem proper, and from time to time to modify and amend, increase or diminish such rates and to extend them to other descriptions of buildings, lots, establishments or uses. The commissioner of public works subject to the approval of the board of estimate and contract, shall also have power to establish rates for the use of water in buildings, establishments, trades and other purposes in which water is consumed beyond the quantity required for ordinary purposes and may require the

same to be paid in advance at the rates thus established before. permission to use such extra quantity of water shall be given, but no permit shall interfere with the sufficient supply of water for the extinguishment of fires or for other ordinary purposes. The said commissioner of public works or his duly authorized agents or employees shall be authorized at all times to enter into any building or place where water is used from supply pipe to examine as to the quantity of water used and the manner of using it.

§ 123. Sale of water outside city. The commissioner of public works, subject to the approval of the board of estimate and contract, may sell and supply to any corporation or individuals outside the city, water from the water system of the city and may lay and construct necessary pipes and conduits for same, and may fix the prices and conditions therefor, but the said commissioner shall not sell or permit the use of water to or by corporations or persons outside the city, if by such use the supply of water for the city or its inhabitants shall be insufficient.

The commissioner of public works and all persons acting under his authority shall have the right to use the ground or soil of any street, highway or road, lane or alley, within the city of Rome for the purposes of introducing water into and through any portion of the city of Rome on condition that he shall cause the street, highway or road, lane or alley, to be relaid or restored to its usual condition and all damage thereto to be repaired and where the consent of abutting or adjoining owners is requisite the same shall be first had and obtained, or their damage ascertained as herein prescribed. In all cases where the said commissioner, or his duly authorized agents, shall be unable to agree with the person owning or having an interest in any lands, tenements or hereditaments required for the purpose of this article, the city may proceed to acquire the same by condemnation in the manner prescribed in chapter twenty-three of the code of civil procedure.

§ 124. Water meters. The commissioner of public works, with the assent of the board of estimate and contract, shall have power to install water meters in all buildings and such place or places as shall consume any water. The cost of installing such meters shall be a general city charge and be payable from water revenues or rentals and such meters shall be maintained

by and be and remain the property of the city. Said commissioner shall have power and it shall be his duty to place water meters on all main pipes and on all factories and factory buildings and other large consumers of water. All such charges for water measured by meter shall be collected quarterly by the commissioner of public works.

§ 125. Permits. All connecting supply pipes for building or other places supplied with water shall be paid at the expense of the owner or occupant of such property under the supervision and direction of the commissioner, and no main or distributing pipe shall be tapped until the permit therefor be obtained from said commissioner and the payment to said commissioner of a fee, the amount of which shall be determined by the board of estimate and contract, which permit shall express the purpose for which such water may be used and shall have printed thereon the rules and regulations for the use of water. And any cases of violation of said rules may be punishable by cutting off the use and supply of water from said premises. The same regulations and restrictions shall apply to the use of water under existing permits as well as those which shall be granted under this section. The rules and regulations for the use of water shall be printed and copies thereof shall be distributed to each house or building supplied with water and shall be notice to the owner or occupant and shall authorize the recovery by process of law in the name of the city of any penalty established by said commissioner for any violation of said rules; and the observance of said rules, or payment of any and all water rents and water meter charges may also be enforced by cutting off the use and supply of water.

§ 126. Extension of water system. The city of Rome by its commissioner of public works with the approval and consent of the board of estimate and contract is hereby authorized and empowered to enlarge, extend, supplement and increase, from time to time, as may be necessary, the present water system of said city and to secure an additional supply of pure and wholesome water for the use of said city and the inhabitants thereof, from the stream of water known as Fish creek, or other suitable stream, by gravity or steam, or other feasible system as said commissioner and board shall recommend and deem best; and said city may in the manner in this act provided, acquire, contract, build and maintain all necessary dams, lines, rights of way, water reservoirs, buildings, mains, laterals and other necessary property

rights, easements and privileges therefor, and cause the bonds of said city to be issued therefor. If such extension of the water system be authorized and approved as provided herein, the said commissioner of public works shall thereupon proceed to construct said additional or supplemental works, and for that purpose he may take and hold in the name of the city of Rome, any lands, easements, water and rights of way, and may enter upon lands of any person or persons for the purpose of supplying the city of Rome with pure and wholesome water, and may take such water from Fish creek or other stream and may dam the waters of Fish creek or other streams selected and carry same to any part of said city and may lay and construct pipes, conduits, aqueducts, reservoirs or other works or machinery necessary or proper for said purpose, upon any lands so entered on, purchased, taken or held. Said commissioner of public works may enter upon any streets, highways, lanes or public squares through which he may deem it proper to convey said water, and lay and construct pipes, conduits, aqueducts or other works for that purpose leaving said streets, highways, lanes and public squares in the same condition as nearly as may be, as they were before said entry doing no unnecessary damage. If said commissioner of public works be unable to agree with the owner or owners of any lanes, property, rights or water intended to be taken or used as aforesaid, for the purchase thereof at a price approved by the board of estimate and contract the said commissioner of public works may proceed to acquire the title thereto for the city by condemnation proceedings as prescribed by title one, chapter twenty-three of the code of civil procedure, and said commissioner of public works may raise and maintain a dam across Fish creek, or other stream selected. The contracts for said work and material for constructing, said additional water system shall be made for said city by the board of estimate and contract and paid for out of the money provided and apportioned pursuant to this act and said board of estimate and contract shall have full power to make contracts to carry out the provisions thereof. Nothing herein contained shall be construed as waiving, releasing or forfeiting any rights, privileges and properties of the city of Rome, of, in and to the waters of the Mohawk river, and to the use of the same as and for a supply to said city, and the inhabitants thereof, as now possessed and enjoyed or as may hereafter be acquired under this act by said city, and such rights are hereby contained and confirmed.

§ 127. Collection of water rents. All water rents shall be collected as hereinafter provided from the owners of the lots and buildings which shall be situated upon any street, avenue or highway on which the distributing pipes are now or may hereafter be laid, and from which such lots and buildings can be supplied with water; and also from the owners of vacant lots, if the commissioner shall deem proper, situated in like manner, for benefits resulting by the introduction or increase of the supply of water in said city, and said water rents shall be, like state, county and city taxes, a lien and charge upon such buildings and lots as herein provided, and the commissioner of public works may at any time cut off the supply of water to any person or corporation that may be in default of payment thereof.

§ 128. Preparation of water rent rolls. Said commissioner of public works shall, on or before the fifteenth day of November, nineteen hundred and twenty, and on or before the fifteenth day of May and November in each year thereafter, complete and make out a list or roll of water rents and charges for the use of water not based on meter measurement for six months in advance from the first day of the month in which said list or roll is made and in which said list or roll shall be set down in such detail as may be practicable, according to the best information of said commissioner as follows:

1. The name of the owner or occupant of any building, lot or vacant lot chargeable with water rent.

2. The number, if any, of the building or lot to be assessed for such water rent, or its location and boundaries or such description thereof as shall identify the same.

3. The amount of water rent assessed upon such building or lot.

4. The amount of all special rates that may from any cause be then unpaid upon such building or lot, including meter measurements.

5. The total amount of water rents and other charges assessed upon such building or lot.

Said list or roll shall thereupon be filed with the city clerk who shall thereupon present the same to the common council at its next meeting.

§ 129. Notice of assessment. Upon the completion of said list or roll the commissioner of public works shall give notice in writing to the common council of the completion thereof, and the

said council shall fix a time and place at which it will meet to hear and determine all complaints and grievances in reference to said list or roll, said time to be not less than fifteen days after the delivery of said list or roll to the council. The commissioner of public works shall give public notice of the completion of said list or roll and of the delivery thereof to the council and that said council shall meet on the day fixed by it and specified in said notice to hear and determine all complaints and grievances against said list or roll, and said list or roll shall be subject to review by the council. Such notice shall be published in the official newspaper at least once a week for two successive weeks immediately preceding the day therein specified and said roll, from the time of giving said notice, shall be opened to the inspection and examination of any person interested therein.

§ 130. Filing list of roll of water rents. Upon the day mentioned in such notice as provided in the preceding section, the commissioner of public works shall present to the common council said list or roll for review and corrections, and after such review and corrections, if any, and on or before the fifteenth day of December, nineteen hundred and twenty, and on the fifteenth day of June and December thereafter, the council shall return the said roll to the commissioner of public works, with its warrant under the hand of the mayor and seal of the city, commanding him to collect from the several persons named in the list or roll, the several sums mentioned in said roll opposite their respective names.

§ 131. Notice of receiving water rents; time of payment. Upon receiving the list, or roll, and warrant by the commissioner of public works, for the water rents and charges, he shall publish a notice in the official paper of the city that he will attend to his offices with said list or roll and warrant, as provided in section two hundred ninety-two. On all water rents remaining unpaid after thirty days from the first day of collection specified in said notice, a penalty of five per centum shall be added thereto, and the commissioner of public works is hereby authorized to charge and collect such penalty which said penalty shall be paid over and accounted for by said commissioner as a part of said water rents collected by him. All water rents and charges collected as herein provided shall be paid over each day to the city treasurer and credited to the water fund of the city.

§ 132. Cost of public use of water. The commissioner of public works shall have the power and it shall be his duty to charge

the city at large a reasonable amount per annum for the use of water in the public buildings of the city, the extinguishment of fires, the sprinkling of streets and other public uses; the amount of such charge shall be approved or revised by the board of estimate and contract and included in the next annual tax budget. Such amount shall be entered by the board on its list or roll of water rents charged against the city in the same manner as other charges against other consumers of water and the amount of such charges shall be credited by the treasurer to the water fund of the city.

ARTICLE X.

DEPARTMENT OF PUBLIC WELFARE.

Section 140. Commissioner and deputy commissioner of public welfare.

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§ 140. Commissioner and deputy commissioner of public welfare. The commissioner of public welfare shall be the head of the department of public welfare. He may appoint to hold office, except as otherwise provided by law, during his pleasure a health officer, a sealer of weights and measures, a chief and deputy chief of police, a chief and deputy chief of the fire department, a superintendent of charities and such other subordinates as may be prescribed by the board of estimate and contract. In case of the absence or disability of the commissioner or a vacancy in the office, the mayor may appoint a deputy commissioner, who shall discharge the duties of the office until the commissioner returns, his disability ceases or the vacancy is filled. Before entering upon the discharge of the duties of their respective offices, the commissioner and deputy commissioner shall each execute and file with the city clerk an official undertaking in such penal sum as may be prescribed by the common council.

§ 141. Duties of commissioner. The commissioner of public welfare shall have cognizance, jurisdiction, supervision and control of the government, administration, disposition and discipline of the bureaus of police and fire, health, and charities and of the officers and members of said bureaus and shall possess and exercise fully and exclusively all powers and perform all duties pertaining to the government, maintenance and direction of said bureaus, and the apparatus and property thereof and buildings furnished therefor, including the fire alarm telegraph system, and shall have the general direction and supervision of the expenditure of all moneys appropriated to said bureaus. He shall possess such other powers and perform such other duties as may be prescribed by law, by the board of estimate and contract or by ordinance of the common council.

§ 142. Bureau of fire and police. The commissioner of public welfare may appoint, to hold office during his pleasure a chief of police, and a chief of the fire department, and he may also appoint an assistant chief of police and an assistant chief of the fire department who in the absence or during the inability of the respective chief of each of said departments shall possess the powers and perform the duties of chief of the respective departments of each. The chief and assistant chief of police and chief and assistant chief of the fire department appointed by the commissioner, shall each hold office during good behavior, or until permanently incapacitated or unfit to discharge his duties. Before

entering upon the discharge of the duties of their respective offices, the chief and assistant chief of police and the chief and assistant chief of the fire department shall each execute and file with the city clerk an official undertaking in such penal sum as may be prescribed by the common council.

§ 143. Constitution of police and fire departments. The police and fire departments shall, as to their membership and component parts, remain as now constituted until the same shall be changed by action of the commissioner of public welfare. The number of officers or members of either of said departments shall not be increased or diminished without the approval of the board of estimate and contract. The commissioner shall promulgate rules and regulations not inconsistent with law for the government of the police and fire departments, and regulating the powers and duties of their officers and members. The commissioner shall appoint, as vacancies in said departments occur, all officers and members thereof, and classify and apportion them into grades to conform to such ordinances. The commissioner shall also have power with the approval of the board of estimate and contract to appoint special policemen who shall possess the same powers and be subject to the same liabilities as regular policemen for the benefit of any person, society or corporation for lawful purposes, at the expense of the person, society or corporation desiring such appointment, but without any expense or liability whatever on the part of the city. The commissioner of public welfare, with the approval of the board of estimate and contract, may establish, organize and equip an auxiliary police reserve subject to such limitations and restrictions as may be prescribed by the common council.

§ 144. Membership. No person shall be appointed to membership in the police or fire departments of the city, or continue to hold membership therein, who is not a citizen of good moral character, who has ever been convicted of a felony, who cannot understandingly read and write the English language, and who shall not be a resident of the city at the time of his appointment. The commissioner shall make all appointments, promotions and changes of status of the officers and members of the police and fire departments in accordance with the provisions of the civil service law of the state, except as otherwise provided herein. In making promotions, seniority and meritorious service,

in the department, as well as superior capacity, as shown by competitive examination, shall be taken into account. Individual acts of bravery may be treated as acts of meritorious service, and the relative weight therefor shall be fixed by the municipal civil service commission. No member of the police or fire departments shall hold any other office nor be employed in any other department of the city government. Each policeman and special policeman shall before entering upon the discharge of his duties, take and subscribe and file in the office of the city clerk, the constitutional oath of office and execute a bond to be approved by the commissioner of public welfare conditioned for the faithful performance of their duties and the accounting for all moneys received by them in their capacity.

§ 145. Terms of office. All members of the police and fire departments, subject to the power of removal herein specified, shall hold their respective offices during good behavior or until by age or disease they shall have become permanently incapacitated to discharge their duties, but any member thereof may be retired by the commissioner of public welfare upon reaching the age of sixty years, as provided by this act.

§ 146. Discipline. If a charge may be made by any person against any officer or member of the police or fire departments that he has been negligent or derelict in the performance of his official duties, or is incompetent or without capacity to perform the same or is guilty of some delinquency seriously affecting his general character or fitness for the office, the charge must be in writing, in the form prescribed by the rules and regulations of the commissioner of public welfare, and a copy thereof must be served upon the accused officer or member. The commissioner shall then proceed to hear, try and determine the charge. The accused shall have the right to be present at his trial and to be heard in person and by counsel and to give and furnish evidence in his defense. All trials shall be open to the public. The commissioner has power to issue subpoenas, in his name, to compel the attendance of witnesses upon any proceeding authorized by the rules and regulations of the department, and any person served with a subpoena is bound to attend in obedience to the command thereof; and the commissioner may compel the attendance of witnesses and compel them to testify in the same manner as in the case of any officer or board authorized by law to issue subpoenas and take testimony. If the accused shall be found guilty of the charge made against

him, the commissioner may punish him by reprimand, by forfeiting and withholding pay for a specified time, by suspension without pay during a fixed period or by dismissal from office.

§ 147. Appeal from determination of commissioner. In case any such officer or member is aggrieved by the determination of the commissioner on any trial of charges as specified in the preceding section, on jurisdictional grounds, he may, within thirty days after the rendering of such determination, take an appeal therefrom to the supreme court, at any special term thereof, held within the judicial district in which the city is situated. Upon such appeal the decision of the court shall be final and conclusive. An appeal taken, as prescribed herein, shall be perfected by the service of a notice of appeal upon the commissioner. He shall, within ten days thereafter, make and file with the county clerk of Oneida county a complete return of the proceedings on such trial, for the use of the parties and the court on such appeal.

§ 148. Chief of police. The chief of police shall have the power and it shall be his duty to enforce all rules and regulations of the commissioner of public welfare relating to the police department; to commit any person charged with criminal offense until an examination shall be had before the proper magistrate; to administer oaths and take affidavits in respect to all matters pertaining to his official duties, and to perform such other duties as may be prescribed by law, the commissioner of public welfare or ordinance of the common council.

§ 149. Powers and duties of members of police department. The policemen and special policemen authorized by this act shall have all the power and authority in criminal cases possessed by peace officers under the general laws of the state and shall have the same power and authority as constables in civil cases and proceedings so far as serving and executing all processes or papers in behalf of the city of Rome is concerned, but not otherwise. Said policemen and special policemen shall be subject to the same liabilities and perform the same duties as constables except as herein otherwise provided. They shall execute the orders and commitments of the city judge and of all courts held by him, and convey all persons sentenced by him to the penitentiary, reformatory or house of refuge, and they shall serve and execute all civil processes or proceedings issued and directed by any officer or court in favor of said city or in which said city shall be a party. They shall possess such other powers and perform such other duties as

may be provided by law, the commissioner of public welfare or ordinance of the common council.

§ 150. Fees, charges, rewards. No fees or compensation other than herein provided shall be charged or received by any policeman for the arrest, confinement or discharge of any person or for mileage or for serving any process or warrant or for discharging any other duty by this act required to be performed by him. But any reasonable or necessary expenses incurred by any policeman when traveling in the discharge of his duties as policeman, shall be paid by the city and the said city is hereby authorized to charge the county of Oneida, or the city of Rome, as one of the towns thereof, as the case may be, the moneys thus paid, and the same shall be audited and allowed by the board of supervisors of said county, or by the board of estimate and contract of the city to and for the benefit of the city and shall be paid to the treasurer and credited to the corporation tax district of said city. No policeman shall receive any present or reward for services rendered or to be rendered, unless with the approval of the commissioner, and any policeman who shall receive any fee or reward in violation of this section shall forfeit his office. The commissioner of public welfare is hereby authorized to charge the county of Oneida, or the city of Rome as one of the towns thereof, or any town therein, for services performed by the policeman in criminal proceedings, such fees as are allowed to constables of towns for like services and chargeable to said county, city or towns, and the same shall be audited and allowed by the board of supervisors of said county, or the board of town auditors of said towns, to and for the benefit of the city of Rome, and shall be paid to the city and be credited by him to the corporation tax district of said city. In cases arising under the ordinances or police laws or regulations of the city of Rome, where judgment shall be rendered in favor of said city, or where said city would be entitled to judgment, the same fees for the services of such policemen as constables would be entitled to for like services, shall be included in such judgment and charged for the benefit of such city, and when paid or collected shall be paid to the treasurer thereof within five days after its receipt and credited by him to the corporation tax district of the city. The constables in said city or the different towns of Oneida county shall not as such be compelled to serve within the city of Rome any summons, warrants, subpoenas, com-

mitment, notice, paper or process whatever, issued or directed by the city judge or out of the city court in execution of the laws of the state, for the prevention of crime and the punishment of criminal offenses, or of the police laws or regulations of the state, or of any proceedings collateral to or connected with the execution of such general laws or police laws or regulations or ordinances; nor shall the county of Oneida nor any of the towns therein or the city of Rome be chargeable with or in any way liable to pay any such constable any fees or disbursements whatever for services or disbursements paid or incurred in or by virtue of such summons, warrant, subpoena, commitment, notice, paper or process whatever. All fines collected under and by virtue of the ordinances of the city of Rome and all moneys collected or revenues, penalties or for the services of the policemen authorized by this act, under any such ordinances and in pursuance of any statute during any month, shall be paid to the treasurer of said city on or before the sixth day of the next succeeding month. The commissioner of public welfare upon the recommendation of the board of estimate and contract, may offer rewards for the detection or apprehension of the perpetrator of any crime committed within the city, to be paid to the informant on the conviction of the criminal.

§ 151. Political activity prohibited. No officer or member of the police department shall be a member of or a delegate to any political convention, nor shall he be present at such convention except in the performance of duty relating to his position as such officer or member. He shall not solicit any person to vote at any political primary or election, nor challenge nor in any manner attempt to influence any voter thereat. He shall not be a member of any political committee. Any officer or member violating any provision of this section shall be dismissed from office.

§ 152. Sealer of weights and measures. The commissioner of public welfare shall appoint to hold office, during his pleasure, a sealer of weights and measures.

§ 153. Powers and duties of sealer of weights and measures. He shall perform in the city the duties of and have like powers as a county sealer in a county of this state and shall perform such other duties as may be prescribed by the commissioner of public welfare or the board of estimate and contract. No fees shall be charged or received by him or by the city for the inspection or testing of the weights, measures or weighing or measuring devices.

CHARITIES.

§ 154. Bureau of charities; powers and duties of commissioner. The commissioner of public welfare shall be the head of the bureau of charities and shall have all the powers and perform all the duties within said city which are now possessed and performed by overseers of the poor in any town in the county of Oneida except as otherwise provided by this act. The commissioner shall have the general care, management, administration and supervision of the charities, almshouses, hospitals, houses of correction, orphan asylums and all other similar institutions, the control or government of which belongs or is intrusted to the city. He shall make regulations for the expenditure of the moneys appropriated for the support or relief of the poor and for the general supervision of such expenditures. He shall investigate fully the circumstances of all persons alleged to be destitute or without proper means of support, or without proper guardianship, or who are in danger of becoming or are a public burden in any respect; and also the circumstances of their relatives or other persons whose duty it is to relieve or maintain them or contribute to their support; also to institute and prosecute any and all actions and proceedings authorized by law to compel any and all persons liable for the care, maintenance, education or support of any such destitute or dependent persons to contribute thereto, and to indemnify the city and public against any expenditures on account thereof. He shall also prosecute any and all bonds, undertakings or recognizances given for any of the purposes herein mentioned or in any manner relating thereto. Any and all moneys recovered in any such suit, action or proceeding or otherwise paid to or received by the said commissioner on account of the care, maintenance, relief, education or support of any such persons shall be deposited by the commissioner with the treasurer as a trust fund, and the same shall be applied and expended by the said commissioner for the purpose on account of which the same were paid. Any surplus remaining in said fund at the close of the fiscal year shall be treated as an unexpended balance of money appropriated for such bureau. The commissioner shall furnish to and file with the treasurer a monthly statement in detail of all receipts and expenditures, including the aid and relief granted by him, with the names and addresses of all recipients.

§ 155. City owner of supplies. The city shall continue to be the owner of supplies furnished to any poor person or applicant

for relief until the same are consumed. If any person to whom the same shall be furnished shall sell or exchange the same for money or intoxicating liquors or in any way dispose of the same other than in the manner directed, such conduct shall be deemed a misdemeanor.

§ 156. Liability of city. Nothing contained in this chapter shall be deemed to make the city liable for the support or relief of any poor person where it is not otherwise so liable.

HEALTH.

§ 157. Bureau of health. Health officer. The health officer of the city shall be the head of the bureau of health. He shall be appointed by the commissioner of public welfare and shall hold office for a term of two years. He shall be a physician and surgeon duly licensed to practice medicine under the laws of the state and shall possess the qualifications established for health officers by the public health council, public health law and other laws of the state applicable to health officers. Before entering upon the discharge of his duties he shall execute and file with the city clerk an official undertaking in such penal sum as the common council may prescribe. The commissioner of public welfare shall appoint, to hold office during his pleasure, a plumbing and sanitary inspector, a clerk of vital statistics and such other subordinates and health and sanitary experts as may be prescribed by law, by the common council or by the board of estimate and contract, or may be required to carry into effect the powers, decisions, orders and directions vested in said bureau of health and health officer by this act and the laws of this state.

§ 158. Powers and duties of health officer. The health officer shall exercise all the powers and be charged with all the duties now or hereafter conferred upon or required of local boards of health or local health officers by the laws of this state so far as the same pertain to cities, except as limited or extended by the provisions of this act. The health officer shall also possess such powers and perform such duties as may be prescribed by ordinances of the common council, by this act, by the state sanitary code or by the rules and regulations of the state department of health, or otherwise by law.

§ 159. Sanitary code. The health officer shall formulate, adopt, promulgate and enforce complete ordinances, rules and regulations for the security of life and health in the city of Rome, subject to

the approval of the commissioner of public welfare. Such ordinances, rules and regulations shall be known as the sanitary code of the city. The health officer in conjunction with the board of examining plumbers of the city shall formulate, adopt and promulgate rules and regulations for plumbing and drainage which shall govern the same and may enforce obedience thereto and compliance therewith by prescribing therefor and therein penalties for each violation thereof, not exceeding one hundred dollars for any one offense. Such rules and regulations shall be included in and constitute part of such sanitary code but shall not take effect until they have been approved by the commissioner of public welfare. Such sanitary code may embrace all matters and subjects to which, and so far as the jurisdiction, power and authority of the bureau of health extends not inconsistent with the constitution or laws of the state or the state sanitary code, and may from time to time be revised, altered, amended or annulled by such health officer with the approval of the commissioner of public welfare.

§ 160. Appeals from orders of health officer. Any person aggrieved by an order, decision or direction of the health officer may appeal therefrom to the commissioner of public welfare who may affirm, reverse or modify the order, decision or direction appealed therefrom. Such appeal must be made by serving on the health officer a written notice of appeal within two days, Sundays and legal holidays excepted, or within such further time as shall be allowed by the commissioner of public welfare, after the appellant receives notice of the order, decision or direction appealed from. Within two days after receiving such notice of appeal, Sundays and legal holidays excepted, the health officer shall make a written return to the commissioner of public welfare of the facts and evidence on which such order, decision or direction is made. Upon receipt of such return, or if no return be made within the time specified, the commissioner of public welfare shall forthwith proceed to hear and determine the matter. Upon such appeal the commissioner of public welfare need not be confined to the evidence contained in the return but in his discretion may take additional evidence. Such appeal shall not act as a suspension or stay of the execution of the order, decision or direction unless the commissioner of public welfare shall by an order in writing, filed with the city clerk, so direct. In case of failure to sustain the appeal the commissioner of public welfare may in his discretion impose costs not exceeding ten dollars upon the appellant.

§ 161. Actions to restrain nuisances. The health officer is authorized, by and with the advice and consent of the corporation counsel, in the name of the city to maintain actions to restrain the threatened or continued performance of any act contrary to his orders, directions, decisions or ordinances and to restrain and abate nuisances; and for the purpose of obtaining a temporary injunction in any such action no undertaking shall be required.

§ 162. Duty in case of peril in public health. In case of great and imminent peril to the public health of the city it shall be the duty of the health officer with the sanction of the common council if it be practicable to convene that body for prompt action, or if not, when approved by the board of estimate and contract, to take such measures and to do, order or cause to be done such acts, and to make such extraordinary expenditures in excess of the sum appropriated to the bureau of health as in this act provided, and within such amounts as the board of estimate and contract shall prescribe, for the preservation and protection of the public health as he may deem necessary and proper. Such peril to public health shall be deemed to exist only when and for such period as the health officer, with the approval of a four-fifths vote of the board of estimate and contract, shall determine.

§ 163. Public health law applicable. The public health law so far as it pertains to cities is applicable to the city of Rome except as herein modified.

§ 164. Enforcement. The chief of police shall, whenever requested in writing by the health officer with the approval of the commissioner of public welfare, detail such number of regular policemen as shall be specified in such request, who shall while so detailed serve under the direction of such health officer.

§ 165. Examining board of plumbers. It shall be the duty of the mayor, within thirty days after the passage of this act, to appoint an examining board of plumbers consisting of five persons, who shall have all the powers and perform all the duties prescribed in and by article four of the "General City Law," relative to plumbing and drainage, the provisions of which article are hereby made applicable to the city of Rome.

ARTICLE XI.

DEPARTMENT OF LAW.

Section 170. Corporation counsel; duties.

171. Certification of contracts.

172. Payment over of collections; docket.

Section 173. Compromise.

174. Employment of counsel.

175. Judgments against the city.

176. Actions for damages or injuries to person or property.

177. Police to aid corporation counsel.

§ 170. Corporation counsel; duties. The corporation counsel shall be the head of the department of law. He shall be and act as the legal adviser of the common council and of the several officers, boards and departments of the city, and he shall appear for and protect the rights and interests of the city in all actions, suits and proceedings brought by and against it or any city officer, board or department; and such officers, boards or departments shall not employ other counsel.

§ 171. Certification of contracts. No written contract providing for the payment of two hundred and fifty dollars or more, entered into by the city or any of its officers, boards or departments, shall be acted under until there shall be indorsed thereon by the corporation counsel a certificate to the effect that the city officer, board or department, which has executed the same on behalf of the city, had authority and power to make such contract, and that such contract is in proper form and properly executed; and he shall attend to all the law business of the city, and discharge such other duties as may be prescribed in the ordinances of the common council.

§ 172. Payment over of collections; docket. The corporation counsel shall pay over at once to the city treasurer all moneys collected by him for or in behalf of the city, including fines and penalties; and he shall annually, on the first Tuesday of February, file with the mayor of the city an inventory of all the books and property belonging to the city in his custody. He shall keep a docket in which he shall enter at length all actions and proceedings in which he shall appear for the city, and in which docket shall be shown at all times the condition of all such actions or legal proceedings.

§ 173. Compromises. The corporation counsel shall, whenever he considers that the best interests of the city will be subserved thereby, enter into an agreement, in writing, subject to the written approval of the board of estimate and contract to compromise and settle any claim against the city, which agreement shall be reported

to the common council at its next regular meeting, and be and constitute a valid obligation against the city; and the amount therein provided to be paid shall with interest thereon at not to exceed the legal rate, from its date, be included in the next city tax budget; and when raised by tax be paid to the claimant. If, however, before the adoption of the city tax budget there shall be received by the city treasurer from any source any moneys not otherwise appropriated, the amount in the agreement provided to be paid shall be paid out of such moneys so received as far as they will satisfy the same.

§ 174. Employment of counsel. The corporation counsel with the written consent of the mayor, may employ counsel at such compensation as may be agreed upon by the board of estimate and contract, to assist him in the argument and conduct of important cases or proceedings in which the city is interested or a party.

§ 175. Judgments against the city. The amount of any judgment recovered against the city, with the interest thereon, in case no appeal is intended to be taken, or in case such judgment is finally affirmed on an appeal taken, shall be reported by the corporation counsel immediately after the same shall have become payable to the common council; and such amount shall be raised in the next levy of taxes for the expenses of the city, unless execution on such judgment shall be stayed; such judgments shall be paid out of the first moneys paid into the city treasury on account of such levy, in the order of their recovery. Until the money so raised shall be paid into the city treasury and payment of judgments refused, no execution shall be issued against the city, unless the amount of such judgments shall not have been included in the tax levy, provided, nevertheless, if there are any moneys in the treasury to the credit of a fund received from the revenues of the city other than taxation not otherwise appropriated sufficient to satisfy such judgments, the board of estimate and contract shall direct the payment therefrom of such judgments in the order of their recovery.

§ 176. Actions for damages or injuries to person or property. The city of Rome shall not be liable for damage or injury sustained by any person in consequence of any bridge, highway, culvert, sidewalk or crosswalk in said city being out of repair, unsafe, dangerous or obstructed by snow, ice or otherwise, or in any way or manner, unless actual notice of the defective, unsafe, dangerous or obstructed condition of said street, highway, bridge,

culvert, sidewalk or crosswalk shall have been given to the common council of said city, or to the commissioner of public works of said city, at least forty-eight hours previous to such damage or injury. All claims against the city for damage or injury alleged to have arisen from the defective, unsafe, dangerous or obstructed condition of any street, bridge, highway, culvert, sidewalk or crosswalk of or in said city, or the negligence of the city authorities in respect thereto, shall within one month after the happening of such damage or injury be presented to the common council of said city by a writing, signed by the plaintiff and properly verified, describing the time, place, cause and extent of the damage or injury. The omission to present such claim as aforesaid within said one month shall be a bar to any action or proceeding therefor against the city. No action for such damages or injury shall be maintained unless commenced within one year from the happening of the same.

All claims against the city for damages or injury to persons or property alleged to have been caused by the misfeasance or negligence of the city, or any of its officers or employees, shall be presented to the council in writing within thirty days after the happening of the accident or injury out of which the claim arose. Such writing shall describe the time when, the particular place where, and the circumstances under which damages or injuries were sustained, and the cause thereof. It shall also state so far as then practicable the nature and extent of the damages or injury. It shall also state the place of residence of the claimant by street and number, and if there be no street and number, it shall contain such statement as will disclose the place of residence, and all such claims shall be verified by the oath of the claimant. The omission to present such claim within thirty days of such alleged injuries and to commence an action thereon within one year from the time of such alleged injuries shall be a bar to any claim or action therefor against the city, but no action shall be brought upon any such claim until three months shall have elapsed after the presentation of the claim to the council.

Nothing contained in this section shall be held to repeal or modify any existing requirements or statute of limitation applicable to this class of injury, but on the contrary shall be held to be an additional requirement for the right to maintain such action. Nor shall anything herein contained be held to modify any existing rule of law relative to the question of contributory

negligence, nor to impose upon the city any greater duty or obligation than it shall keep its streets and public places in a reasonably safe condition for public use and travel.

Every process commencing an action against said city shall be served either on the mayor or treasurer of said city and not otherwise.

§ 177. Police to aid corporation counsel. It shall be the duty of every member of the police force of the city, observing or having any knowledge of an accident from which a cause of action might arise against the city, to forthwith report the fact of such accident to the corporation counsel; and upon the request of the corporation counsel, the chief of police shall detail some member of the force to aid the corporation counsel in the investigation of claims against the city for injuries to person and property.

ARTICLE XII.

DEPARTMENT OF EDUCATION.

Section 180. Existing schools continued.

181. Fiscal reports and estimates of the board of education.

§ 180. Existing schools continued. The public school districts and the public schools of the city, whether located inside or outside of the corporation tax district, and the organization, government and maintenance thereof, and the title of all school property connected with or constituting part of the public school system, as they now exist are continued.

§ 181. Fiscal reports and estimates of the board of education. The board of education of the city shall make and file an annual report of its fiscal affairs, and shall prepare and present an annual estimate of its revenues and expenditures at the same time and in the same form and manner as prescribed in this act for the other boards and departments of the city, and shall conform so far as may be its financial system to the general financial system of the city at large.

ARTICLE XIII.

DEPARTMENT OF JUDICIARY.

CITY COURT; JUSTICE'S COURT.

Section 190. City court established; its magistrates and their jurisdiction.

191. Sessions.

- Section 192. Situs, equipment and expenses.
193. Clerk appointive.
194. Duties of clerk.
195. Jurisdiction of civil actions.
196. Civil jurisdiction limited.
197. Summary proceedings; bastardy; marriages.
198. Territorial jurisdiction.
199. Civil summonses.
200. Tort actions.
201. Practice and procedure.
202. Appeals; transcripts.
203. Judgment to be entered ten days after submission of cause.
204. Consequence of neglect to plead counterclaim.
205. Judgment upon counterclaim.
206. Counterclaim when a party is such in a representative capacity.
207. Discontinuance when accounts exceed one thousand dollars.
208. Attorney's authority.
209. Adjournments; terms thereof.
210. Pleadings, verified and oral.
211. Rules of practice.
212. Civil appeals.
213. Opening defaults and setting aside judgments.
214. No disqualification of judge, juror or witness.
215. Joinder of issue; adjournments.
216. Depositions.
217. Costs and fees in civil actions.
218. Costs and fees, collection and accounting for.
219. Poor persons as parties.
220. Absence or disability of city judge and special city judge.
221. Jurisdiction, criminal and quasi-criminal.
222. Practice and procedure as in courts of special session.
223. Removal of criminal actions.
224. Same.
225. No right of trial by jury in certain proceedings.
226. Appeals in criminal actions and proceedings.
227. Judgment and punishment as in county court in certain actions.

Section 228. Same.

229. Sentence to hard labor.

230. Execution of judgment in criminal actions.

231. Certificates of conviction to be filed with county clerk.

232. Remission of fines and penalties.

233. Warrants.

234. Charges of felonies.

235. Vagrants and disorderly persons.

236. Adult and juvenile trials to be heard separately.

237. Action to recover a fine or penalty; the complaint.

238. Same; the summons or warrant.

239. Same.

240. Same; when returnable; service of the process.

241. Same; no bond required for issuing summons or warrant.

242. Same; depositions and witnesses.

243. Same; arrest for violation of ordinance.

244. Same; arraignment.

245. Same; judgment on default.

246. Same; adjournment and bail.

247. Same; adjournment on defendant's own recognizance.

248. Same; forfeiture of undertaking.

249. Same; execution of judgment against defendants therein.

250. Same; executions against sureties.

251. Same; executions therein generally.

252. Oaths and acknowledgments.

253. Preliminary examination; "John Doe" proceeding.

254. Fees and costs in criminal matters.

255. Accounts of criminal business and bills to the board of supervisors.

256. Dockets, civil and criminal.

257. Contempts.

258. Duties of clerk of the court.

259. Judge not entitled to fees.

260. Seal of the court.

261. Transcripts of judgments.

262. Bond of the clerk.

263. Jurors.

- Section 264. Place of office, powers, duties and jurisdiction of the justice of the peace.
265. Territorial jurisdiction; summons served anywhere in county.
266. Appeals to the county court; oath of office.
267. Removal of actions and proceedings to city court, payment of accrued costs.
268. Same costs and fees as town justices; where attorney appears same as city court.
269. Actions and proceedings pending but in which no testimony has been taken are transferred to and continued in new court.
270. Actions and proceedings on trial are continued but not transferred.
271. Existing officials temporarily continued; constitutional office of justice of the peace.

CITY COURT.

§ 190. City court established; its magistrates and their jurisdiction. A city court of civil and criminal jurisdiction, to be denominated the city court of Rome, is hereby created and established with the jurisdiction and powers hereinafter conferred. The city judge, elected as provided in this act, shall be the judge of the city court. In case of the absence or disability of the city judge the special city judge, elected as provided in this act, during such absence or disability shall be and perform the duties of city judge. The special city judge shall also have concurrent jurisdiction with the city judge whenever and for such period as the city judge shall by an instrument in writing filed with the city clerk certify that the assistance of the special city judge is necessary for the dispatch of the business of the court.

§ 191. Sessions. The court shall be open for the transactions of business each day of the year except Sundays and legal holidays, at not later than nine o'clock in the forenoon, and shall remain in session during seasonable hours or until the business of the day is disposed of; on Sundays and legal holidays the court may be open for such purposes as are provided by law.

§ 192. Situs, equipment and expenses. The common council of the city shall designate the place of holding said court and provide suitable rooms, light, fuel, furniture and necessary blanks, books and stationery for the use of said court and shall provide for the payment of all necessary expenses thereof.

§ 193. Clerk appointive. The city judge shall appoint a clerk who shall be a stenographer and such other subordinates as may be prescribed by the board of estimate and contract.

§ 194. Duties of clerk. The clerk appointed by the city judge shall be clerk of the city court, and shall take the oath of office prescribed by law. It shall be his duty to attend upon such court during the time it is required to be kept open for business, to keep the dockets and the books of account thereof, to make up the returns to the county court therefrom, and under the direction of the city judge to perform such other duties as are herein prescribed. He shall have power to take affidavits for use in said court and any other court, to issue summonses, precepts in summary proceedings, subpoenas and executions on judgments duly docketed and final orders in summary proceedings duly entered, and in the absence of the city judge and acting city judge join issues and adjourn causes.

§ 195. Jurisdiction of civil actions. Except as limited by the next section the city court shall have jurisdiction of the following civil actions and proceedings, to wit:

1. An action to recover damages upon or for breach of contract, express or implied, other than a promise to marry, where the sum claimed does not exceed five hundred dollars.

2. An action to recover damages for a personal injury or an injury to property where the sum claimed does not exceed five hundred dollars.

3. An action or proceeding to recover a fine or penalty not exceeding five hundred dollars, or to recover one or more fines or penalties for a violation of an ordinance of the city of Rome, or of the provisions of the other titles of this act, where the amount claimed does not exceed five hundred dollars.

4. An action upon a bond conditioned for the payment of money, where the sum claimed to be due does not exceed five hundred dollars; the judgment to be rendered for the sum actually due. When the sum secured by the bond is to be paid in installments, an action may be brought for each installment as it becomes due.

5. An action upon a surety bond taken in said court or by any justice of the peace of the county of Oneida.

6. An action upon a judgment rendered in said court, or any court of the state of local jurisdiction not being a court of record.

7. An action to recover one or more chattels, with or without

damages, for the taking, withholding or detention thereof, where the value of the chattel or of all the chattels as stated in the affidavits made on the part of the plaintiff does not exceed the sum of five hundred dollars.

8. To render and enter judgment upon the confession of a defendant or defendants as prescribed in title six, chapter nineteen of the code of civil procedure, where the amount confessed does not exceed the sum of one thousand dollars.

9. An action for damages for fraud in the sale, purchase or exchange of personal property, if the damages claimed do not exceed five hundred dollars.

10. In an action commenced by attachment pursuant to the provisions of article four of title two chapter nineteen of the code of civil procedure, if the debt or damages claimed do not exceed five hundred dollars.

11. In summary proceedings under title two, chapter seventeen of the code of civil procedure, to recover possession of land and to remove tenants and others therefrom.

12. In actions and proceedings under any statute for the enforcement of the liens of mechanics and others, where the amount of the lien does not exceed the sum of five hundred dollars. The same proceedings to be had as are provided by law to be had in justice's court.

13. In proceedings in cases of bastardy brought by or under the direction of the commissioner of public welfare of the city of Rome or by the superintendent of the poor of the county of Oneida.

14. In any other action or proceeding of which justice's court or justices of the peace of towns now or may hereafter have jurisdiction.

§ 196. Civil jurisdiction limited. The city court shall not take cognizance of a civil action in either of the following cases:

1. Where the title to real property comes in question, as prescribed in title three of chapter nineteen of the code of civil procedure; but when such question arises the pleadings and practice shall be the same as are now provided by law for a court of justice of the peace in towns in regard thereto.

2. Where the action is to recover damages for false imprisonment, libel, slander, criminal conversation, seduction or malicious prosecution.

3. Where, in a matter of account, the sum total of all the accounts of both parties, proved to the satisfaction of the court, exceeds one thousand dollars.

4. Where the action is brought against an executor or administrator as such, except the amount of the claim is less than fifty dollars and the claim has been duly presented to the executor or administrator and rejected by him.

§ 197. Summary proceedings; bastardy; marriages. Summary proceedings and bastardy proceedings may be commenced by a petition addressed either to said judge or to said court, and in said proceedings and in all actions the jurisdiction of said judge shall be exercised by and in the name of the said court only, and all processes from said court shall be made returnable thereto by its proper title. In the solemnization of marriages and in all other matters not otherwise by this act provided for, said city judge shall have the same powers as justices of the peace in towns have and in instances in which the justice of the peace of a town is authorized to do any act or exercise any jurisdiction in association with another justice or justices of the peace, the said city judge may do such act or exercise such jurisdiction without associating with him any justice or justices.

§ 198. Territorial jurisdiction. Said court shall have the same territorial jurisdiction over the persons of defendants as is now or may hereafter be conferred upon justices' courts of towns, and for that purpose of conferring territorial as well as jurisdiction of the person and subject matter the said city of Rome shall be deemed a town and the said city court a justice's court thereof.

§ 199. Civil summonses. A summons shall be made returnable before said court by its proper title, and shall be substantially in the following form, the blanks being properly filled up:

IN CITY COURT OF ROME.

STATE OF NEW YORK,	} ss.:
COUNTY OF ONEIDA,	
City of Rome,	

The People of the State of New York to any constable of said city or county, greeting:

You are hereby commanded to summon
defendant, to appear in or before the city court of Rome, at its

court room in said city of Rome, on the . . . day of
 at 10 o'clock in the forenoon, to answer the complaint of
, plaintiff, in a civil action.

Witness, city judge of Rome, this . . .
 day of

.

Clerk.

Said process may be served by the city judge or the clerk of the court.

§ 200. Tort actions. In actions for tort no summons shall be issued or served except there be attached thereto a written complaint, which must be served with the summons, otherwise judgment thereon cannot be taken in the absence of defendant. The said complaint shall state in a plain and concise manner the facts constituting the cause of action.

§ 201. Practice and procedure. The process and all mandates of the city court, the service and enforcement thereof, the proceedings thereunder and the practice and procedure in said court, and before the city judge shall be the same as in courts of justices of the peace in towns and as before justices of the peace in towns and in courts of special sessions, except as otherwise provided in this act; and all provisions of law applicable to justices of the peace in towns and the courts held by them, and the proceedings had before them, and to their official acts, duties and powers, shall apply to the city court, and the judge thereof.

§ 202. Appeals; transcripts. Appeals may be taken from judgments of the city court and all proceedings before the city judge may be reviewed and transcripts of judgments filed in the office of the clerk of the county of Oneida, and an enforcement of such judgment shall be had in the same manner and with like force and effect as in courts of justices of the peace in towns; but a judgment of the city court shall be a lien and remain in force for the same length of time as a judgment originally recovered in the county court upon filing a transcript thereof in the clerk's office of Oneida county.

§ 203. Judgment to be entered ten days after submission of cause. In any case in which by law a justice of the peace is required to render judgment and enter the same in his docket within four days, the city court of the city of Rome, or the judge thereof, is required to render judgment, and it must be entered in the

docket of said court within ten days after the case shall have been submitted for final decision, anything to the contrary herein notwithstanding.

§ 204. Consequence of neglect to plead counterclaim. The prohibition contained in section twenty-nine hundred and forty-seven of the code of civil procedure in relation to failure of the defendant in an action in justice's court to interpose a counterclaim does not extend to an action in said city court to a case where the amount of the counterclaim is five hundred dollars more than the plaintiff recovers.

§ 205. Judgment upon counterclaim. In the case provided for in section twenty-nine hundred and forty-nine of the code of civil procedure for justices' courts, if the amount of the counterclaim or counterclaims established exceeds the plaintiff's demand, the defendant must have judgment for the excess or so much thereof as is due from the plaintiff, unless it is more than the sum of five hundred dollars, and if more than five hundred dollars, the said court must pursue the same course in reference to the same as in the said section provided for a case in which it is more than two hundred dollars.

§ 206. Counterclaim when a party is such in a representative capacity. Sections five hundred and five and five hundred and six of the code of civil procedure shall apply to a counterclaim in an action against a person sued in a representative capacity or in favor of an executor or administrator, except that the defendant cannot take judgment against the plaintiff upon a counterclaim for a sum exceeding five hundred dollars and costs; and section twenty-nine hundred and forty-six of the code of civil procedure shall not apply to actions in said court.

§ 207. Discontinuance when accounts exceed one thousand dollars. Where upon the trial of an action the sum total of the accounts of both parties, proved to the satisfaction of the city judge, exceeds one thousand dollars, judgment of discontinuance must be rendered against the plaintiff with costs.

§ 208. Attorney's authority. An attorney's authority to appear in any action or proceeding in said court may be conferred orally or in writing, but the city judge shall not suffer a person who is not an attorney, admitted to practice in the supreme court of this state, to appear as an attorney unless his authority is admitted by the adverse party, or proved by the affidavit or oral testimony of himself or another; the city judge may, in his dis-

cretion, at any time before final judgment require from any such attorney admitted to practice in the supreme court proof of his authority to so appear.

§ 209. Adjournments; terms thereof. The court must, upon the application of the plaintiff, grant a second or subsequent adjournment of the trial of an action upon proof by his own oath or otherwise to the satisfaction of the court that he cannot safely proceed for want of material testimony or witness, and that he has used due diligence to obtain the testimony or witness; but the court may as a condition of granting such adjournment require that the plaintiff pay to the defendant the legal fees of the defendant's witnesses duly subpoenaed for that day.

§ 210. Pleadings, verified and oral. The complaint may be verified in the manner provided in the code of civil procedure for the verification of pleadings in courts of record, and in an action commenced by summons may at the option of the plaintiff or his attorney be served therewith when the complaint is so verified. The subsequent proceedings, except on demurrer, shall be likewise verified in all cases in which such pleadings would be required to be verified in a court of record, in default whereof they shall be disregarded. The city judge may by general rule or otherwise require any pleadings made orally to be reduced to writing, and every pleading in writing shall be subscribed by the party making the same or his attorney, and shall be filed forthwith or within such time as the city judge may designate. Where the complaint is so verified and served at the same time as the summons, if the defendant fails to answer or demur to said complaint, as hereinbefore provided, at the time of the return of said summons, he shall be deemed to have admitted the allegations of the complaint as true, and the court shall upon filing the summons and complaint, with due proof of such service therewith, enter judgment for said plaintiff and against the defendant or defendants not so demurring or answering, for the amount demanded in such complaint, with costs, without further proof.

§ 211. Rules of practice. The city judge may from time to time establish such rules of practice for said city court as he may deem necessary, not inconsistent with the provisions of this act or with the code of civil procedure, which rules shall govern the practice in said court. The rules so established shall before they become operative be published at least one week in the official paper of the city.

§ 212. Civil appeals. Appeals may be taken to the county court from judgments rendered in said city court the same as from judgments rendered by justices of the peace. Appeals may also be taken to the county court from an order of the city judge on an application to open a default made as in the next section of this act provided, and the time within which such appeals may be taken and the practice thereon shall be the same as apply to appeals from a judgment of a justice of the peace, the affidavits read on such application constituting for the purpose of such appeal a part of the return of the city judge.

§ 213. Opening defaults and setting aside judgments. In actions in said court the city judge shall have power to open defaults and set aside judgments rendered and entered therein and executions issued thereon, upon such terms as may be just, in a case where the defendant shall fail to appear by an attorney-at-law on on the return day of the process, or on any adjournment, and shall satisfactorily excuse his failure to defend; but no greater terms shall be imposed than the payment of the costs included in the judgment. The application therefor shall be founded upon affidavits and shall be made within twenty days from the entry of such judgment. Upon presentation of such application the city judge shall issue an order returnable in not less than five or more than eight days, requiring the party in whose favor the judgment was rendered to show cause, if any, why such judgment should not be set aside. A copy of said order and of all the papers upon which the same is granted shall be served upon the party in whose favor the judgment was rendered, or his attorney, if one shall appear in the action, not less than three days prior to the return thereof. Pending such application and the determination thereof, the city judge may stay proceedings upon such judgment or any execution which may have been issued; when a judgment shall be set aside, the action shall proceed as though no judgment had been rendered. The judgment or an execution issued thereon by the city judge and levy made thereunder may in the discretion of the city judge be allowed to stand as a security for the satisfaction of any judgment the plaintiff may finally recover. Parties moving in the county court, to open a default or obtain a new trial in said court, in cases where a motion might have been made in said city court, as in this section provided, shall show that no such application was made in said city court.

§ 214. No disqualification of judge, juror or witness. No person shall be incompetent as judge, juror or witness in any action or proceeding in said court in which the city of Rome is an interested party, by reason of his being an inhabitant, freeholder or taxpayer of said city.

§ 215. Joinder of issue; adjournments. Sections twenty-eight hundred and ninety-three and twenty-nine and fifty-nine of the code of civil procedure shall have no application to this court. The court may adjourn the trial of an action of its own motion for a period not exceeding ninety days from the date of the joining of issue.

§ 216. Depositions. Depositions may be taken in actions and proceedings pending in the city court upon the same grounds and for the same reasons and with the same proceedings as in the supreme court.

§ 217. Costs and fees in civil actions. In all civil actions and proceedings brought in said court, the same costs and fees shall be paid and recovered as in actions or proceedings in courts of justices of the peace in towns, except that in all civil actions and proceedings commenced in said court where the successful party shall obtain a judgment he shall tax and recover in case he has appeared by an attorney and counselor of the supreme court (but not otherwise) the following additional costs and fees:

1. For all proceedings before the trial, including judgment for plaintiff upon default, to the plaintiff five dollars.

2. On judgment for plaintiff otherwise than upon default, an additional sum equal to fifteen per centum of the recovery, not to exceed fifteen dollars.

3. If the plaintiff recover judgment in any action in said court for the recovery of one or more chattels the foregoing sum allowed as additional costs and fees therein shall be estimated upon the value of said chattels as assessed by the said court or jury.

4. If judgment of nonsuit is rendered for the defendant without trial, to the defendant five dollars.

5. If a judgment is rendered for the defendant after trial, to the defendant five dollars; and the court in its discretion may allow an additional sum not exceeding fifteen dollars.

6. A defendant who recovers of said court a judgment upon a counterclaim therein or obtains a judgment for the possession or recovery of chattels sued for therein is entitled in addition to costs heretofore allowed said defendant to recover the sum of

fifteen per centum upon said recovery or upon the value of said chattels not to exceed fifteen dollars.

7. No costs or fees shall be allowed or recovered in any action brought on a judgment of this court, unless said action be brought more than five years after the recovery of the judgment sued upon.

8. Costs upon a motion, action or other proceedings, not exceeding five dollars, may be granted either absolutely or to abide the event of an action or proceedings of any party in the discretion of the court or judge.

§ 218. Costs and fees, collection and accounting for. In each action and proceeding in the city court, the city judge and the clerk of said court shall each demand and receive for the use of the city, for each service rendered by them respectively, the same fees as justices of the peace of towns are or may be entitled to receive for a like service, and no such service shall be rendered by either of them until such fees shall have been paid therefor; all such fees shall be paid to the clerk, who may require of any plaintiff all fees in the action to be deposited when the summons is issued. In the case provided for in section three thousand and eighty-one of the code of civil procedure, recovery shall be had from the city of Rome, instead of from the city judge. All such fees collected by the clerk and all fines and penalties received by him during any month shall be paid to the city treasurer on or before the sixth day of the next succeeding month, and the said clerk shall file with the city clerk at or before the time of the first regular meeting of the common council in each month next after the sixth day thereof a complete and detailed statement, verified by his oath and certified by the city judge to be true, of all moneys received by said clerk by virtue of the provisions of this act, during the next preceding month, with the written receipt of the treasurer for the payment of the said moneys to him, attached to said statement; the said clerk shall keep a book in which he shall enter in detail, with the dates, all moneys received by him, which book during seasonable business hours shall be open to inspection.

§ 219. Poor persons as parties. A poor person, whether an adult or infant not being of ability to sue, who alleges that he has a cause of action against another person, or defense to one brought, may apply by proper petition to the city judge or clerk of the court for leave to prosecute or defend as a poor person; which

petition shall state the nature of the action brought or intended to be brought, or the defense intended to be interposed, and what property he possesses, and that he desires to sue or defend as a poor person, and the city judge or clerk of the court may grant the petition if satisfied of the truth of the facts alleged and that the petitioner has a good cause of action or defense on the merits therein, and may make an order admitting him to prosecute or defend without the payment of or liability to any fees to any officer or to the said city or any costs provided for by this act; but nothing in this act relating to such poor person shall apply to appeals, except as to any fees provided for by this act to be paid to any officer mentioned in this act or to said city. If the person so admitted is guilty of deception in the petition or of improper conduct in the prosecution or defense of the action, or of wilful or unnecessary delay, the city judge may in his discretion annul the order admitting him to prosecute or defend as a poor person, and such person shall thereupon be liable to the fees and costs provided for in this act.

§ 220. Absence or disability of city judge and special city judge. In case of the absence or disability of the city judge and special city judge rendering them for the time being unable to perform their duties, or in case of the disqualification of both for any reason rendering them so, in any action or proceeding, upon a certificate of that fact being made by the city judge and special city judge, or in case of their inability to seasonably make one, by the clerk of the court upon information and belief, and filed in the office of the city clerk, the corporation counsel then acting as such shall perform their duties and act as city judge during such absence, disability or disqualification. The special city judge, and the said corporation counsel, while acting as city judge, shall sign all papers as acting city judge of the city court of Rome, and shall have all the powers and perform all the duties incumbent upon the city judge. All the provisions of sections forty-six, forty-eight, forty-nine, fifty and fifty-one of the code of civil procedure, not inconsistent with, shall apply to this act so far as applicable.

§ 221. Jurisdiction, criminal and quasi-criminal. The city judge shall have, except as herein provided, the same powers as justices of the peace now have, or which may hereafter be conferred upon them by law, in all criminal actions and proceedings and special proceedings of a criminal nature for or on account of offenses committed or alleged to have been committed within the

boundaries of the city; and the said court within said city shall possess and exercise all the powers and jurisdiction conferred upon courts of special sessions and perform all the duties of such courts, except as herein provided; while holding courts of special sessions, the said judge shall have sole and exclusive jurisdiction, except as herein provided, to hear, try and determine all charges of misdemeanor as now are or may hereafter be defined by law, alleged to have been committed within the boundaries of the city; except such violations of the liquor tax law as are denominated misdemeanors and are required by said law to be prosecuted by indictment, and also except all charges of misdemeanor punishable by fine of more than fifty dollars or by imprisonment for a term of more than six months, or by both such fine and imprisonment, in which case the grand jury of Oneida county shall have concurrent jurisdiction. The city judge shall have sole and exclusive jurisdiction over all civil suits and criminal actions and proceedings brought on account of violation of this act and of the regulations, ordinances or by-laws of the city or of any public board thereof; and shall have power to render judgment for the fine or penalty therein prescribed, and in case any such regulation, ordinance or by-laws prescribe a maximum or minimum fine or penalty, shall have power to render judgment or impose a fine within the limits prescribed. If any person be adjudged to have violated any ordinance, by-law or regulation of the city or any of its public bureaus or departments the city judge may impose a fine which shall not exceed in each case the amount of penalty provided in such ordinance, by-law or regulation for the violation thereof, besides costs, and may commit to the county jail until fine and costs be paid, for a term not to exceed one day for every one dollar of such fine and costs, and not exceeding a longer period than fifty days.

§ 222. Practice and procedure as in courts of special sessions. Criminal trials or proceedings shall be conducted in like manner, except as herein provided, as trials or proceedings in courts of special sessions are now directed or may hereafter be directed to be conducted by the code of criminal procedure.

§ 223. Removal of criminal actions. The trial of such criminal actions may be removed from the jurisdiction of the city court only in the manner now or hereafter provided by the code of criminal procedure for the removal of trial of actions from courts of special sessions.

§ 224. Same. In case of misdemeanor trials before him, except cases of charges of public intoxication, the city judge shall state to the defendant the charges made against him and inform him of his rights under sections fifty-seven and fifty-eight of the code of criminal procedure.

§ 225. No right of trial by jury in certain proceedings. Upon a charge of public intoxication, disorderly conduct, vagrancy or violation of any of the ordinances, by-laws or regulations of the city, or any of its bureaus or departments, the defendants shall not have the right to trial by jury, but shall be tried before the city judge in a summary way.

§ 226. Appeals in criminal actions and proceedings. An appeal from the city court in a criminal action or proceeding may be taken and had only in the same manner and upon the same terms and conditions as is now provided or as may hereafter be provided by the code of criminal procedure for appeals from courts of special sessions.

§ 227. Judgment and punishment as in county court, in certain actions. When a defendant tried by or before the city court or city judge, for any offense, jurisdiction over which is not conferred upon courts of special sessions by the code of criminal procedure, but which is conferred upon the city court by this act, shall be convicted of such offense or shall plead guilty, the city judge shall have the power to render such judgment and to inflict upon said defendant such punishment as has the county court of Oneida county in a like case.

§ 228. Same. When a defendant tried by or before the city judge or court for any offense, jurisdiction over which is now or may hereafter be conferred upon courts of special sessions by law, or for a charge of public intoxication, disorderly conduct or breach of the peace, shall be convicted of such offense or shall plead guilty before the city judge to the charge of any such offense, the city judge shall have the power to render judgment that such defendant pay a fine not exceeding fifty dollars; or be imprisoned in the common jail of Oneida county or in the penitentiary of any county, the board of supervisors of which have made an agreement with the board of supervisors of Oneida county to receive persons sentenced to confinement therein, as provided by law, for a period not exceeding six months; or that the defendant pay both such fine and be so imprisoned; or that such defendant pay a fine not exceeding fifty dollars and be imprisoned in such

jail or penitentiary until such fine is paid, not to exceed six months.

§ 229. Sentence to hard labor. The city judge may in his discretion sentence a defendant committed by him to prison or jail at hard labor therein.

§ 230. Execution of judgment in criminal actions. The judgment of the city court or city judge so rendered must be executed by any policeman of the city or by the sheriff of Oneida county, or keeper of such jail or penitentiary, upon receiving from the city judge either the certificate of conviction prescribed by section seven hundred and twenty-one of the code of criminal procedure without the same being certified, or a warrant of commitment setting forth the offense, the name of the offender, the date when the offense was found to have been committed, the conviction and date thereof, and the judgment of the court thereon, signed by the city judge in his official capacity and directed generally to the officers required to execute the same.

§ 231. Certificates of conviction to be filed with county clerk. The clerk of the court shall at the end of each month file in the office of the clerk of the county of Oneida certificates of conviction as in the form prescribed by section seven hundred and twenty-one of the code of criminal procedure, of all persons convicted of crime before the city judge.

§ 232. Remission of fines and penalties. The city judge may in his judgment remit the whole or any part of a fine or penalty imposed by the said court.

§ 233. Warrants. A criminal warrant issued by the city judge may be directed generally to any officer of the city or state, and it may be executed by any peace officer to whom it may be delivered; such warrant may be served in any part of the state and the defendant or defendants named may be arrested and brought before such judge issuing the warrant without its being indorsed by any other magistrate or officer.

§ 234. Charges of felonies. The city judge shall also have power and jurisdiction to hear complaints or charges of felonies alleged to have been committed within the county of Oneida, to issue warrants in such cases returnable before him as such magistrate and to hold preliminary examination upon such charges; and the provisions of chapter seven of title three of part four of the code of criminal procedure as they now exist or as they may hereafter be amended shall govern such preliminary examination before the city judge.

§ 235. Vagrants and disorderly persons. When the defendant is charged before said city judge with being a vagrant or disorderly person as now defined or may hereafter be defined by the code of criminal procedure, the provisions of such code as to such cases as they now exist, or as they may hereafter be amended, shall govern the proceedings before the city judge; except that upon conviction upon either charge the city judge shall have power to commit the defendant either to the common jail of Oneida county, the Oneida county home or poorhouse, or to any county penitentiary hereinbefore mentioned.

§ 236. Audit and juvenile trials to be heard separately. Two rooms shall be provided by the common council in the city hall for the city judge; one of these rooms shall be the courtroom where he shall hold his court and conduct all examinations subsequent to the arrest of defendants from and over the age of sixteen years; and the other shall be his private counsel room where he shall hold court and conduct examinations in cases tried by him where children under the age of sixteen years shall be accused; and in either of said rooms so provided, he may hear all complaints that may come to him, hold court and conduct all criminal and civil business that may, under the provisions of this act, be done by and before him.

§ 237. Action to recover a fine or penalty; the complaint. The complaint in an action brought to recover a fine or penalty or forfeiture prescribed herein for the violation of any provisions of this act, and to recover a fine or penalty prescribed for the violation of any ordinance, by-law or regulation of the city or of any public bureau or department or official thereof, shall be in writing; the action shall be brought in the name of the city as plaintiff; the complaint shall contain the title of the action, specifying the name of the court, the allegation or allegations showing that the defendant or defendants, as the case may be, at or about the time mentioned therein, and within a period of two years from the making of such complaint, violated some provisions of this act or of the by-laws, regulations or ordinances of the city, or a public bureau or department thereof, specifying the section of this act or the by-law, regulation or ordinance by briefly referring to the same and giving the name and number or other intelligent description thereof; such complaint shall state the time, as near as may be, when such violation occurred; it shall contain a demand for judgment in favor of the plaintiff and

against the defendant or defendants, as the case may be, for the amount of the fine or penalty prescribed for the violation of the section of this act or of the regulation, by-law or ordinance alleged to have been violated; and the complaint shall be verified by the person making the same to the effect that it is true to his own knowledge, or that the same is true to the best of his knowledge, information and belief. The corporation counsel shall conduct all cases brought for violation of this act and all cases of misdemeanors triable in said court, when requested so to act by the city judge.

§ 238. Same; the summons or warrant. Upon filing such complaint with the clerk of the court the city judge or clerk shall then issue a warrant or a summons; if a warrant is issued it shall be substantially in the following form, the blanks being properly filled as in said form indicated:

In the city court of the city of Rome:

STATE OF NEW YORK,	} ss.:
COUNTY OF ONEIDA,	
City of Rome,	

The People of the state of New York to any policeman of said city, greeting:

Information under oath having this day been laid before me that (designate here the section of this act or the number of the by-law, regulation or ordinance of the city alleged to have been violated or otherwise intelligently describe it) has been violated and accusing (give name of person or persons accused thereof). You are therefore commanded forthwith to arrest (giving the name of the accused person or persons) and bring (her, him or them) before me at the city courtroom in said city to answer the charges aforesaid.

Witnesscity judge of Rome, this....
day of

.....

Clerk.

§ 239. Same. If upon receiving the complaint a summons is issued it shall be substantially in the following form, the blanks being properly filled as in said form indicated:

STATE OF NEW YORK, }
COUNTY OF ONEIDA, } ss.:
City of Rome, }

The People of the State of New York to any policeman of said city, greeting:

You are hereby commanded to summon
to appear in and before the city court of Rome, at its court room
in the city of Rome, on the day of at
..... o'clock meridian, to answer a charge for
violation of (designate the section of the act or number of the
by-law, regulation or ordinance alleged to have been violated or
otherwise intelligently describe it or them).

Witness city judge of Rome, this....
..... day of

.....
Clerk.

§ 240. Same; when returnable; service of the process. Said summons may be made returnable at any time not more than ten days from the issuing of the same, and the summons may be served by any policeman of the city in the manner now prescribed or hereafter to be prescribed by the code of civil procedure for the service of a summons in justice's court by constables.

§ 241. Same; no bond required for issuing summons or warrant. No bond shall be required to authorize the issuing of any civil warrant or short summons in behalf of said city.

§ 242. Same; depositions and witnesses. Any person may be summoned to appear forthwith or at a designated time before the court to make an affidavit or to be sworn and examined on an application for a summons or a warrant on account of the violation of any section of this act, by-law, ordinance or regulation in relation to his knowledge of such violation; such examination shall be reduced to writing and filed with the process and proceedings in the case; no witness so summoned to appear shall be entitled to any fee or compensation for such attendance or examination, and for a failure to so attend or be sworn or examined, such witness shall be liable to the same penalty and may be punished by the said court or city judge in the same manner as witnesses who refuse to appear when subpoenaed or to be sworn or to testify at trials of actions in the supreme court.

§ 243. Same; arrest for violation of ordinance. The mayor or any alderman or policeman of the city shall have the power and authority, and it shall be the duty of any such policeman, to arrest without warrant all persons found by him engaged in the act of violating any of the provisions of this act or any by-law, regulation or ordinance of the city or of any public bureau or department thereof, and to bring them before the city judge, and in case the city judge cannot be found, to commit them to the common lockup of the city of Rome, and retain them there or elsewhere in the manner herein provided, until the complaint hereinbefore provided for can be made out and filed and the return of the warrant issued thereon be made.

§ 244. Same; arraignment. Upon the appearance of the defendant before the city judge either upon arrest, under warrant or upon the return of the summons, the city judge shall read the complaint filed against the defendant and the defendant may thereupon either orally or in writing answer the complaint; the answer of the defendant may contain a general denial of each allegation in the complaint or a specific denial of one or more of the material allegations thereof; it may also set forth in plain and direct manner new matter consisting of one or more defenses; and the issue or issues raised by the complaint and answer shall be tried in all respects, and the same proceedings shall be had and adjournments granted, and on the same terms as provided for adjournments herein on the return of a civil warrant in other cases.

§ 245. Same; judgment on default. Should the defendant fail to appear upon the return of such summons or fail to answer the complaint, the city judge, without waiting as prescribed in an action in justice's court, upon filing proof of due service of the summons which shall be made by the certificate of the officer serving the same, showing the time and manner of such service, shall render a judgment in favor of the city and against the defendant for the amount of the fine or penalty prescribed.

§ 246. Same; adjournment and bail. The city judge may adjourn the trial of such action from time to time upon his own motion or for cause shown upon application made by any party thereto, and he shall have power upon such an adjournment to compel the defendant to enter upon an undertaking of bail in writing to the city of Rome, with one or more sureties approved by him, in a sum not exceeding twice the amount of the fine or penalty for

which judgment is demanded, which undertaking if required shall be substantially in the following form, the blanks being properly filled up as indicated:

(Name of the accused) has been duly charged before the undersigned, city judge of the city of Rome, New York, with the offense of violating (designate here the section of this act or the number of the by-law, regulation or ordinance of the city, or otherwise intelligently describe it,) we, the undersigned, jointly and severally undertake that said defendant shall appear from time to time until judgment at the city court in the city courtroom in said city, or that we will pay to the city of Rome the sum of (designate the sum so fixed). If the defendant shall fail to so appear, judgment for the amount prescribed may be rendered against us without further notice.

Dated at the city of Rome, New York, this day of

.....
Signature of defendant.

.....
.....
Signatures of sureties.

And if the defendant fail to furnish the undertaking of bail so required of him, the city judge may commit the defendant to the common jail of Oneida county by a commitment in writing, signed by him in his official capacity, and substantially in the form prescribed by section seven hundred and thirty-four of the code of criminal procedure, substituting in place of the words "a court of special sessions" the words "me at the city court of Rome."

§ 247. Same; adjournment on defendant's own recognizance. The city judge shall also have power, upon the granting of any such adjournment, to accept the defendant's own recognizance without surety, to appear upon any adjourned day. Upon receiving such undertaking or recognizance, the city judge shall thereupon discharge the defendant pending the adjournment.

§ 248. Same; forfeiture of undertaking. If the defendant fail to appear at the time to which the trial was adjourned, the city judge may, without waiting as prescribed in an action in justices' court, declare the undertaking of bail or the defendant's recognizance forfeited, and unless sufficient excuse is shown for such

failure, the city judge shall thereupon enter judgment in favor of the city and against the defendant, and the sureties executing such undertaking for the amount named in the undertaking, if an undertaking was furnished, and for the amount of the penalty if no undertaking was furnished.

§ 249. Same; execution of judgment against defendants therein. Every execution in an action for any penalty, penalties or forfeitures recovered for the violation of any ordinance, by-law or public regulation enacted in pursuance of this act, or upon violation of any of the provisions of this act, shall command the officer to whom it is directed, in case the defendant shall decline or fail to pay the amount of such judgment, to take the body of such defendant and commit him or her to the county jail of Oneida county, there to remain until he pays the judgment and costs or for the term in said execution mentioned, not exceeding, however, for a longer period than fifty days, and the sheriff of Oneida county is hereby authorized to receive and detain the defendant in the execution accordingly upon receiving the execution or a certified copy thereof from any officer to whom an execution is issued; and the defendant so committed under an execution shall not be entitled to be admitted to the liberties of the jail.

§ 250. Same; executions against sureties. The execution, however, issued by the city judge upon a judgment against the surety or sureties upon an undertaking of bail as hereinbefore provided, shall require the officer executing the same to satisfy the execution out of the personal property of such surety or sureties but shall omit the direction as to imprisonment; separate executions may be issued upon such judgment for the purpose of enforcing the same as herein provided.

§ 251. Same; executions therein generally. Excepting as herein provided executions issued upon a judgment recovered for a penalty or forfeiture shall be governed by the same proceeding as herein provided for execution upon civil judgment.

§ 252. Oaths and acknowledgments. The city judge, special city judge and clerk, upon filing in the clerk's office of Oneida county the duplicates of their oaths of office, shall have the same power that justices of the peace or notaries public have, to administer oaths and to take acknowledgments of deeds and other instruments, and they shall be entitled to charge for the use of the city the same fees therefor as justices of the peace can charge, except as to any person or officer acting for or in behalf of the city..

§ 253. Preliminary examination; "John Doe" proceedings. It shall be the duty of the city judge, upon request in writing of the mayor or chief of police of the city, to issue subpoenas requiring any person or persons named therein to appear before him to give evidence upon a complaint for any offense alleged to have been committed in said city. And upon the return of such summons such witnesses shall be examined upon oath before the city judge by any city policeman or the corporation counsel in relation to the offense alleged to have been committed; and if it shall appear from such examination that any offense has been committed the city judge shall proceed thereon in the same manner as though such witnesses had voluntarily made such complaint before him.

§ 254. Fees and costs in criminal matters. In criminal matters the same fees, costs and charges shall be charged and collected as are charged and collected in courts of special sessions and in the same manner.

§ 255. Accounts of criminal business and bills to the board of supervisors. The city judge shall keep an accurate account of all criminal business done by him, which by law is made a charge upon the county of Oneida, and charge for such services the fees that are allowed by law to justices of the peace, and at the annual meeting of the board of supervisors he shall present his bill for the same, verified according to law, and the same having been audited by the board of supervisors, shall be paid to the city treasurer as city funds.

§ 256. Dockets, civil and criminal. He shall keep an accurate account of all his proceedings in his docket, a complete and accurate record of all processes issued from and returned to said court, and of all proceedings in all civil or criminal actions, and of all proceedings brought therein or before the city judge, and shall enter therein the judgment and decision of said court or judge; such docket shall have the same force and effect as dockets of justices of the peace in towns.

§ 257. Contempts. Any judge holding said courts while in session shall have the same power to preserve order and punish for contempts committed in his presence as is possessed by judges of county courts.

§ 258. Duties of clerk of the court. It shall be the duty of the clerk to attend upon said court during the time it is required to be kept open for business, and keep in a docket of said court a complete and accurate record of all processes issued and returned

to said court, of all proceedings in any action or proceeding brought therein, of all moneys paid into said court or received by said clerk; and to receive all moneys payable into the said court, including fees and costs.

§ 259. Judge not entitled to fees. No judge presiding in such court shall receive any moneys payable thereunder or thereto.

§ 260. Seal of the court. The said court shall have a seal which shall be furnished, and the form or design of which shall be prescribed, by the common council and shall contain the following words: "The City Court of Rome, New York," and it shall remain in the custody of the clerk of said court.

§ 261. Transcripts of judgments. The clerk of the court, on demand of a party in whose favor a judgment shall have been rendered and payment of the fees therefor, shall give a transcript thereof under his hand and the seal of the court, which may be filed and judgment thereon docketed in the office of the clerk of the county of Oneida, with like effect and in the same case as a transcript of a docket of a justice of the peace.

§ 262. Bond of the clerk. Said clerk shall give a bond to the people of the state of New York, with at least two sureties, to be approved by the city judge, in an amount not less than two thousand dollars, which shall be renewed annually on the first day of January in each year and filed in the office of the city treasurer, conditioned for the faithful performance of his duty as such clerk, and the accounting for and payment of all moneys which shall come into his hands. Such bond shall be in addition to any other bond or bonds required of said officer by reason of any other provision of law. Any person injured by the default of such clerk, including the city, may maintain an action in his or its own name against said clerk and sureties on said bond in any court having jurisdiction.

§ 263. Jurors. A list of trial jurors shall be made up in such court in the same manner and pursuant to the same provisions of law as they are made in the courts of justices of the peace, and the law applicable to the securing and drawing of jurors in courts of justices of the peace and courts of special sessions shall be applicable to and govern the city court.

JUSTICE'S COURT.

§ 264. Place of office, powers, duties and jurisdiction of the justice of the peace. The justice of the peace elected as provided in this act shall have and keep an office or place for the trans-

action of his official business within the said city, and not elsewhere. He shall have and exercise all the powers, authority and jurisdiction, and discharge all the duties, and be entitled to all the fees and compensation of justices of the peace of the several towns of this state, except that he shall not have jurisdiction of any criminal matter arising within the city of Rome, nor in any action brought to recover a fine, penalty or forfeiture for the violation of any of the provisions of the charter of said city, or the by-laws, ordinances, rules and regulations of said city, or for the recovery of taxes and assessments imposed or assessed pursuant to the charter of said city.

§ 265. Territorial jurisdiction; summons served anywhere in county. Said justice of the peace shall have the same territorial jurisdiction as justices of the peace of the several towns of this state, and a summons issued by said justice of the peace may be served in any part of Oneida county, and except as herein otherwise provided all laws applicable to justices of the peace of the several towns of the state and to their official acts, duties and powers shall apply to the said justice of the peace.

§ 266. Appeals to the county court; oath of office. Appeals from any judgment rendered by said justice of the peace may be taken to the county court of Oneida county within the time and in the manner prescribed by law for appeals from judgments rendered by justices of the peace in towns, and all provisions of law relative to appeals from such judgments shall apply to appeals from judgments rendered by any justice of the peace elected under the provisions of this act. Before entering upon the discharge of the duties of his office said justice of the peace shall take and file in the clerk's office of Oneida county the oath of office prescribed by law.

§ 267. Removal of actions and proceedings to city court, payment of accrued costs. Any action or proceeding brought or instituted before said justice of the peace shall, on motion of any defendant to such action or proceeding, be removed to the city court of said city, if such defendant shall at the time of joining issue or before any witness is sworn therein file an affidavit with the said justice that he has a meritorious defense, offset or counterclaim to the plaintiff's cause of action, and pay to said justice the legal fees for all proceedings had and taken in said action or proceeding up to the time of filing such affidavit. The said justice of the peace shall thereupon and within twenty-four hours

after the filing of said affidavit and payment of costs, as aforesaid, return to the said city court all papers and proceedings made, had and taken before him in said action or proceeding, and said action shall thereafter proceed and be determined in said city court in the same manner and with the same effect as if originally instituted therein, and issue in said action or proceeding shall be deemed to have been joined in said court as of the day the original process in such action or proceeding was made returnable before the said justice of the peace. Any justice of the peace failing to certify and return to the said city court all papers and proceedings made, had and taken in an action or proceeding brought before him and removed to said city court, as herein provided, shall, upon conviction thereof, be deemed guilty of a misdemeanor and forfeit his office.

§ 268. Same costs and fees as town justices; where attorney appears same as city court. In all civil actions and proceedings brought in said court, the same costs and fees shall be paid and recovered as in actions or proceedings in courts of justices of the peace in towns, except that in all civil actions and proceedings commenced in said court where the successful party shall obtain a judgment he shall tax and recover in addition to the fees, which shall include jury, constables', witnesses' fees paid by him or which he will necessarily incur, as hereinbefore provided, in case he has appeared by an attorney and counselor of the supreme court (and not otherwise), the same as provided in this act for actions and proceedings brought in the city court.

GENERAL PROVISIONS.

§ 269. Actions and proceedings pending but in which no testimony has been taken are transferred to and continued in new court. All actions, examinations or proceedings pending respectively in the existing justice's court or city court of the city in which the taking of evidence upon the trial shall not have been actually commenced, shall be then and forthwith transferred respectively into the justice's court or city court created by this act, to be disposed of according to law as if instituted in said respective courts or before the said justice or judge. All processes, pleadings, bonds, undertakings, records, moneys and papers in the actions, examinations and proceedings hereby transferred, then in the custody respectively of the justice of the peace or city judge, shall, at the time of such transfer, be delivered respectively to said justice or judge.

§ 270. Actions and proceedings on trial are continued but not transferred. All trials, examinations or proceedings actually commenced by the taking of evidence when this act takes effect, in the existing justice's court or city court of the city, or before the justice of the peace or the city judge of the city, shall be decided by said courts or officers respectively, and judgment therein shall be entered or determined by such courts or officers thereof, as though this act had not been passed. Such judgment or determinations shall be enforced by execution of the judgment or other process the same as if this act had not been passed. The said officers, and each of them, shall make return of such actions, examinations or proceedings before them respectively, as if his office had not been abolished.

§ 271. Existing officials temporarily continued; constitutional office of justice of the peace. The city judge, special city judge and justice of the peace of the city in office when this act takes effect shall be and perform all the duties respectively of the city judge, special city judge and justice of the peace created by this act. The provisions of this act relating to justice of the peace and justice's court are to be construed so far as may be as creating respectively the constitutional officer and office of justice of the peace.

ARTICLE XIV.

DEPARTMENT OF ASSESSMENT AND TAXATION.

Section 280. Appointment of assessors.

281. Powers and duties of assessors.

282. Record of map and deeds.

283. How tax distributed.

284. Assessment-rolls.

285. Assessors to prepare assessment-roll.

286. Review of assessment.

287. Appeal of common council.

288. Equalization and levy for state and county taxes.

289. Levy of tax by council; tax-roll.

290. Limitation of tax levy.

291. Issue of tax-roll and warrants to treasurer.

292. Notice of receiving taxes.

293. Water rents.

294. Proceedings for collection of delinquent taxes, assessments and water rents.

295. Manner of conducting sale of land.

Section 296. Disposition of proceeds of sale.

297. Redemption of lands.

298. Notice of redemption.

299. Conveyance of real estate.

300. Settlement by treasurer for taxes collected.

301. Powers of council as to void and erroneous assessments.

§ 280. Appointment of assessors. The assessors of the city of Rome now in office shall continue therein until the expiration of the respective terms for which they were appointed. On January first, nineteen hundred and twenty-one, and each year thereafter, the mayor shall appoint an assessor whose term of office shall be three years. Each assessor shall be a freeholder in the city and two of them shall be residents of the corporation tax district of the city. They shall each receive such salary as may be fixed by the board of estimate and contract.

§ 281. Powers and duties of assessors. The assessors shall perform all the duties specified in this act in relation to the assessment and taxation of property within the city, and shall possess all the powers conferred, be subject to all the obligations imposed and perform all the duties appertaining to the office of assessor in the towns of the state in reference to the assessment of property within the city, except as otherwise provided by law. They shall perform all the duties now provided by law in reference to the assessment of property for the purpose of levying taxes and assessments for local improvements, imposed according to law.

§ 282. Record of maps and deeds. The city clerk shall keep in his office, except when the board of assessors shall require them, maps and surveys of all the taxable property of the city, certified by the city engineer when made as hereinafter provided, which maps and surveys shall show correctly the location and boundaries of all pieces of property taxed or taxable and the name of the owner, person or corporation assessed. It shall be the duty of the city engineer to provide such maps and surveys under the supervision and direction of the board of assessors. Before any expense shall be incurred in connection therewith the same shall be approved by the common council.

For the purpose of making such maps and surveys said board of assessors, acting with the city engineer, shall divide the city into districts as may be advisable, and said board of assessors shall have the power and it shall be its duty to make a notation

on each map and survey so provided and kept by it showing changes, and each notation shall be deemed to be a part of each map and survey, and it shall also be the duty of the board of assessors to make said notations on said maps and surveys at least once in each month.

Reference shall be made to each map and survey in making the assessment-rolls or tax lists in all local assessments, rolls or lists and in all assessment-rolls prepared for any purpose for use in said city; and also in all certificates, notices and conveyances of property sold. Reference to each map and survey, assessment-rolls, tax lists and assessment lists when made may be generally in captions thereto, provided, however, that until such maps and surveys are made, fully completed and filed, that said assessment-rolls, tax lists and assessment lists, certificates of sale and conveyance of property shall be made as heretofore according to the law in force at the time this act takes effect.

Every deed of conveyance of lands in said city shall be presented to the city clerk and stamped by him showing the time of such presentation before it shall be recorded, and if the county clerk shall record any deed or conveyance of lands in the city of Rome which has not been stamped by the city clerk of said city he shall forfeit to the city the sum of ten dollars; but nothing herein contained shall affect the validity of a deed recorded without being stamped. The city clerk shall make a written record of such conveyance and file a copy thereof with the board of assessors.

Every map, plot or subdivision of land into blocks or lots shall, before it shall be filed in the office of the clerk of the county of Oneida, or in any city office, be presented to said city clerk, and a copy thereof filed in the office of the city clerk, and the said original map or plot shall be stamped as aforesaid by said clerk. If any such map or plot which has not been so stamped shall be placed on file by any such officer he shall forfeit to the city of Rome the sum of ten dollars.

§ 283. How tax distributed. All moneys raised by tax under any of the provisions of this act for the following purposes, namely:

1. For the purpose of cleaning and repairing streets; for building, extending and repairing the water and sanitary sewer systems of the city; for the city's portion of the expense of storm-water

sewers and for paving and improving streets in front of property owned by the city and at street intersections; for the schools within the corporation tax district; for the police and fire departments; for lighting the streets and for the payment of the principal and interest thereon of any bonds issued or to be issued for any of such purposes, shall be levied and assessed only upon the property, real and personal, situate within the corporation tax district.

2. For the maintenance and repair of the highways in said city, outside the corporation tax district, and the payment of the compensation and expenses of the district school superintendent, shall be levied and assessed upon the property, real and personal, in said city situate outside the corporation tax district as if such district was a separate town of Oneida county.

3. All other moneys raised by tax under any of the provisions of this act, or of the general laws of the state, shall be levied and assessed upon the property, real and personal, of the entire city.

§ 284. Assessment-rolls. The assessors shall make the assessment-roll of the city in the manner and form prescribed by the general tax law of the state, and shall indicate thereon the taxable property and the names of the owners or occupants thereof included in the corporation tax district in a part thereof separate from that containing a list of the taxable property, and the names of the owners or occupants thereof situate in said city outside the corporation tax district. They may also make a separate roll for each ward of the city.

§ 285. Assessors to prepare assessment-roll. The assessors shall in each year prepare an assessment-roll and a duplicate thereof, both of which shall be deemed originals, of the persons and property taxable within the city, in the same manner and form as is required by law for the preparation of a town assessment-roll except as modified by this act. In the assessment of any land in said city for any purpose, it shall be sufficient to state the name of one of the owners or occupants of said land, and also the street and number of any building thereon; but if the land be vacant or the building thereon not numbered, then the name of the street on which it fronts shall be given. In case no inhabited building is on the land, the owner may be designated as unknown. No error in the name of the owner or occupant of property so

assessed shall invalidate the assessment. The assessors on the first day of August in each year shall complete such assessment-roll and shall file the same with the city clerk and shall forthwith give notice by posting such notice in three public places in each ward in the city, and by publishing once in the official paper that such roll is completed and filed in the office of the city clerk and that all persons interested may examine the same at the city clerk's office and that also on the third Tuesday of August next coming, at a place specified in such notice, the board of assessors will sit to review the same for four consecutive days thereafter, from nine to twelve o'clock in the forenoon, from two to four and from seven to nine o'clock in the afternoon.

§ 286. Review of assessment. The assessors shall meet at the time and place specified in such notice and review the assessment. During the time the assessors review any tax or assessment they shall have power to add or insert in such assessment-roll any property liable to assessment and the valuation thereof which may have been omitted from such roll, upon giving personal notice to the owner of such property or to his agent, or to the occupant thereof if the same be real property, at least two days prior to adding the same. Except as modified by this act, the board of assessors shall have all the powers given by the tax law of the state of New York to assessors sitting to hear complaints in relation to assessments, and the proceedings in relation thereto shall be the same as provided by the tax law of the state. Any person assessed upon the assessment-roll claiming to be aggrieved by any assessment for property therein, may review the same in the manner provided by law. On or before the fifteenth day of September the corrected assessment-roll, together with the assessors' minutes, shall be filed in the office of the city clerk.

§ 287. Appeal to common council. Within five days after the review by the assessors of any particular complaint against the assessment-roll as provided in the preceding section any party thinking himself aggrieved may file with the city clerk a written appeal therefrom, briefly stating under oath the grounds of such appeal. The common council within ten days thereafter upon notice to the appellant and the board of assessors shall proceed to hear and determine such appeal or appeals upon review of the property assessed or upon evidence, or both, and shall affirm or reverse the assessment and for such purpose may by subpoena

compel the attendance of witnesses and the production of papers. In case of affirmance, the proceedings thereafter to collect the said assessment shall remain the same as if no appeal had been taken. In case of reversal the common council shall forthwith file the assessment-roll as corrected, certified by the president and clerk of the council, together with their minutes certified as aforesaid in the office of the city clerk, and the tax-roll as corrected and filed shall be conclusive on all parties.

§ 288. Equalization and levy for state and county taxes. The city clerk shall immediately thereupon proceed to prepare the roll for the ensuing year. He shall, upon the written direction of the assessors, correct all clerical errors appearing therein, and shall deliver the duplicate original of the assessment-roll, as corrected and certified under the seal of the city, to the chairman or clerk of the board of supervisors of the county of Oneida in the first week at its next annual meeting. The board of supervisors of Oneida county shall in each year equalize the assessments within the city of Rome with the assessments of the towns in said county, in the same manner as the assessments are required by law to be equalized between such towns. The board of supervisors shall not cause the state and county tax apportioned to said city to be spread upon any tax-roll of property within the city, but shall, by resolution, ascertain and direct the amount of tax to be levied in the city for state and county purposes, and shall, on or before the fifteenth day of December in each year, certify such resolutions under the hands of the chairman and the clerk of the board of supervisors, to the council of the city and file such resolution, together with such assessment-roll, with the city clerk.

§ 289. Levy of taxes by council; tax-roll. The council must annually cause to be levied and raised by general tax upon all taxable property, real and personal, in the city, according to the valuation upon the assessment-roll for the current year, corrected as aforesaid, the following:

1. The amount necessary to be raised by tax to meet current expenses except school, apportioned to the corporation tax district, as evidenced by section one of the annual estimate or other estimates adopted by the council or otherwise appropriated by law.

2. The amount necessary to be raised by tax to meet current expenses for school purposes, apportioned to the corporation tax district, as evidenced by section two of the annual estimate or

other estimates adopted by the council or otherwise appropriated by law.

3. The amount necessary to be raised to meet the expenses apportioned to the portion of the city outside the corporation tax district as evidenced by section three of the annual estimate or other estimates adopted by the council or otherwise appropriated by law.

4. The amount necessary to be raised by tax to meet current expenses apportioned to the entire city including that portion outside the corporation tax district as evidenced by section four of the annual estimate or other estimates adopted by the council, or otherwise appropriated by law.

5. The amount of taxes certified to the council of the city by the board of supervisors to be assessed upon the city for state and county purposes.

6. All other taxes, assessments and charges provided by this act or otherwise by law.

§ 290. Limitation of tax levy. The total amount of taxes levied in any one year under the provisions of items one and four of the preceding section, excluding therefrom the sums necessary to pay the principal and interest on funded debt and judgments or refunds allowed by any court of jurisdiction, shall not exceed an amount equal to two per centum of the assessed valuation of the taxable property of the entire city as evidenced by the last finally completed assessment-roll.

§ 291. Issue of tax-roll and warrants to treasurer. The city clerk, under the direction of the council, shall apportion and extend, in separate columns, each of the four items of city tax and the state and county tax and other taxes, assessments and charges upon the assessment-roll delivered to him each year, and no other extension and apportionment of the state and county tax need be made. Such roll shall then and on or before the first day of January be delivered to the treasurer of the city with a warrant annexed, under the seal of the city, commanding him to receive, levy and collect sums in the roll specified as assessed against the person or property therein mentioned or described, with such discount, penalties and costs as is in this act provided. From the time of the receipt of the tax-roll and warrant by the treasurer, all taxes assessed and levied upon the real estate shall be a lien upon such real estate for the amount thereof with percentage and interest, until the same shall be fully paid.

§ 292. Notice of receiving taxes. Immediately upon the delivery of the tax-roll and warrant to the treasurer, except as hereinafter provided, he shall publish, at least once a week for two successive weeks, a notice in the official newspaper of the city, that he will attend at his office with said roll and warrant, after the first publication of said notice, Sundays and legal holidays excepted, during such hours as the common council may prescribe, to receive city and state and county taxes, and it shall be his duty to attend accordingly. State and county taxes shall be payable in one installment, and no deduction shall be made or allowed therefrom.

The corporation tax for the year nineteen hundred and twenty shall be payable in July of that year and on all such taxes remaining unpaid after the thirty-first day thereof a penalty at the rate of twelve per centum per annum thereon shall be added, to be computed from the first day of July, nineteen hundred and twenty.

General city taxes for the year nineteen hundred and twenty-one shall be payable in May of that year, and on all such taxes remaining unpaid after the thirty-first day thereof, a penalty at the rate of twelve per centum per annum thereon shall be added, to be computed from the first day of May, nineteen hundred and twenty-one. General city taxes for the year nineteen hundred and twenty-one shall be payable in March of that year, and on all such taxes remaining unpaid after the thirty-first day thereof a penalty at the rate of twelve per centum per annum thereon shall be added, to be computed from the first day of March, nineteen hundred and twenty-two.

In the year nineteen hundred and twenty-three and each year thereafter, general city taxes may be paid in two equal installments, payable respectively in January and July in each year, and if the whole amount of the city tax on the tax-roll be paid on or before the thirty-first day of January, a deduction of one per centum will be allowed. If one-half of the amount of any city tax on the tax-roll be paid on or before the thirty-first day of January and one-half thereof be paid on or before the thirty-first day of July in the same year, no deduction shall be allowed and no interest or penalty shall be charged. On all state and county taxes remaining unpaid after the thirty-first day of January interest at the rate of twelve per centum per annum shall be added, to be computed from the first day of January of the current year. If one-half of the general city taxes levied on any parcel or assessment is not paid on or before January thirty-first a pen-

alty shall be added to such one-half at the rate of twelve per centum per annum, to be computed from the first day of January of the current year; and if the remaining one-half thereof is not paid on or before the thirty-first day of July, a penalty shall be added to such remaining one-half at the rate of twelve per centum per annum, to be computed from the first day of July of the current year. Immediately upon receiving any tax the treasurer shall enter in a column of a book prepared for the purpose, and opposite the name of the persons or corporations paying the same, the fact of payment and the date thereof, and shall give the person paying the same a receipt therefor. All receipts issued by the treasurer for taxes paid to him shall be numbered consecutively, commencing with number one on the first receipt issued for taxes for any one year, and he shall not receipt for more than one year's taxes on the same property in one tax receipt, but shall use a separate and distinct series of numbers or receipts issued for the taxes of each year and for which the same is levied and assessed. The treasurer is permitted, however, to enter the several items of general city tax and the state and county tax for any one year and on any one assessment on one tax receipt provided such taxes are set forth in separate items and the purpose thereof stated. The treasurer shall cause all tax receipts to be printed and numbered and to be in duplicate and each duplicate to bear the same number.

§ 293. Water rents. Water rents shall be paid as provided by section one hundred and thirty-nine of this chapter.

§ 294. Proceedings for collection of delinquent taxes, assessments and water rents. Whenever any taxes, installments thereof, assessments and water rents, due and unpaid, shall remain unpaid after the fifteenth day of September in each year, the treasurer shall prepare a statement or transcript of such unpaid taxes, installments thereof, assessments or water rents, and shall deliver the same to the council at its first regular meeting thereafter. The common council shall examine such statement or transcript and if it finds any item thereon which is illegal or void, it may cancel the same, and direct that the amount so canceled be inserted in the next annual tax-roll or water rent-roll. If it finds thereon any tax assessed against any person, persons or corporation for personal property, it shall direct the corporation counsel to collect the same by action in the city court. If it finds therein any tax, or installment thereof or water rent assessed against any corporation and such tax or water rent be not a lien on real property,

then it shall direct the corporation counsel to proceed to collect the same as in case of a tax on personal property or it may report such fact to the attorney-general of the state of New York, and it shall thereupon be the duty of the attorney-general to bring an action to sequester the property of such corporation in the same manner as now required by section three hundred and six of the state law. If it shall appear to the council that any lands assessed on any tax or assessment-roll are imperfectly described, it shall require the board of assessors to procure an accurate description of such property and return the same at once to the council. For the purpose of procuring such description the board of assessors may, if necessary, cause a survey and a map of any of said real property to be made, and the expense of such survey and map on or for each lot or parcel shall be returned with such description to the council, and from the time of approval by the council the expense of such survey and map shall be a lien or charge upon such real property and be collected with the taxes thereon. Immediately after the board of assessors shall have returned to the council the descriptions procured by said board and the amount of the expense chargeable against each lot or parcel and on or before the first day of November, the council shall by resolution approve the same and also all alterations or corrections in the statement or transcript made by it, and shall return the same so corrected to the treasurer. The treasurer shall thereupon examine such statement or transcript and if there remains thereon unpaid any tax, installment thereof, assessment or water rent, which is a charge on real estate, he shall add thereto a penalty of five per centum in addition to the interest at the rate of twelve per centum per annum, as in this act provided. The treasurer shall immediately prepare to advertise and sell such real estate as herein provided for the payment of such tax, installment thereof, assessment or water rent, penalty, interest and the expenses of conducting the sale. The penalty and expense so added and the expense of publication of the notice of sale and the list of lands to be sold, and the expense of conducting the same, and the expense of publication of the notice of unredemmed lands, shall be a charge on the lands liable to be sold and shall be added to the amount for which such lands are sold. The treasurer shall immediately thereafter cause to be published at least once in each week for six weeks in the official newspaper a list of real estate so liable to be sold, together with a notice that such real estate will, on a day at the

expiration of said six weeks, specified in such notice, and the succeeding days, be sold at public auction at the city hall in the city of Rome, to the highest bidder, to discharge such taxes, assessments, water rents, penalties, interest and expenses that may be due thereon at the time of such sale. Such list shall contain the names of the owner or occupant of each piece of real estate to be sold, as the same appears upon the assessment-roll in which such unpaid taxes, assessments or water rents were assessed, a brief description of such real estate and the total amount of such unpaid taxes, assessments and water rents for the year advertised, which said total amount shall include all taxes, assessments, water rents, penalties, interest, expenses and other charges against the property for the year advertised. On the days mentioned in said notice the treasurer shall begin the sale of said real estate and continue the same from day to day until the whole thereof shall be sold.

§ 295. Manner of conducting sale of land. Each parcel shall be sold at public auction to the highest bidder. The purchasers on such sale shall pay the amounts of their respective bids to the treasurer immediately after each parcel shall be struck off. In case a purchaser shall fail to pay the amount of his bids, as herein prescribed, the treasurer shall forthwith offer the parcel for sale again, and proceed as though it had not been struck off. Should there be no bid of the amount due on any lot or parcel of land to be sold, then the treasurer shall bid in the same for the city and the amount due thereon shall be included in the next annual estimate and applied by the treasurer as payment thereof. The city is hereby authorized to acquire said parcels, and the council shall have the care and control of all such parcels and may lease or sell and convey the same. As soon as practicable after sale, the treasurer shall prepare and execute in duplicate, as to the parcel sold, a certificate of such sale describing the parcel purchased by a brief general description of the location, boundary and estimated quantity thereof and stating the fact of the sale, the name of the purchaser, the sum paid therefor, the amount due thereon at the time of the sale, the name of the persons against whom such tax, assessment or water rent was assessed and the name of the reputed owner thereof. One of said duplicates shall be delivered to the purchaser, or in case the parcel was struck off to the city, then it shall be retained by the treasurer. The treasurer shall deliver the other duplicate certificate to the clerk of the county of Oneida, who shall file said

certificate in his office and record the same in a book to be kept in the said clerk's office for that purpose, and shall index the certificate in the name of the person to whom the parcel was assessed and in the name of the purchaser, in the same book and manner as deeds are required by law to be indexed. The county clerk shall be entitled to receive a fee of fifty cents for each certificate so filed and recorded, which fee shall be paid by the city of Rome and shall be a part of the expenses of the sale of the parcel. If from any cause the treasurer shall be unable to attend at the time and place of sale the city clerk of said city may conduct the sale with the same force and effect as though made by the treasurer.

§ 296. Disposition of proceeds of sale. The proceeds of the sale of each parcel, other than those struck off to the city, shall be applied to the payment of the expenses of the sale as herein provided, and the extinguishment of the tax, assessment, water rent or penalty for which it was sold, and if there shall be any residue the treasurer shall hold the same until the owner of the premises at the time of such sale shall redeem them from the sale as herein provided, and the treasurer shall pay such owner the surplus. In all other cases the treasurer shall hold the same until after the period of redemption shall have expired and then he shall pay such surplus to the party entitled thereto, and the person or persons entitled thereto shall be ascertained in the same manner and by the same proceedings as in the case of surplus on statutory foreclosure of mortgage on real estate. In case any taxes, assessments or water rents shall be assessed and levied upon real estate which has been sold for taxes, assessments or water rents, subsequent to such sale, and before the redemption thereof or conveyance thereof to the purchaser, and the same shall be unpaid, the treasurer may deduct the amount thereof from any surplus in his hands received from such sale; if there shall be no surplus, or it shall be insufficient to pay such taxes, the person redeeming shall pay the said amount, otherwise the purchaser shall pay the same before he shall receive his conveyance of the said property.

§ 297. Redemption of lands. The owner of, or any person interested in or having a lien upon any parcel or lot so sold, may redeem the same from such sale at any time within two years by paying to the treasurer for the use of the purchaser or his assigns, or, if the same shall have been redeemed by any person other

than the owner thereof, then for the use of such person the sum mentioned in the certificate as having been bid for the premises with interest thereon at the rate of ten per centum per annum upon such tax, assessment or water rent from the time of payment. The time during which such redemption may be made shall not commence to run against infants or incompetent persons until the termination of their disability. In case of the redemption of any land sold for taxes or water rents, as herein provided, by the person who was the owner thereof at the time of the sale, the treasurer shall give such owner a receipt for the amount paid by him to effect such redemption and on the production thereof by such owner to the county clerk, he shall cancel the certificate of sale by a proper entry at the foot of the record of such certificate in his office.

§ 298. Notice of redemption. At least three months before the expiration of the time for the final redemption of any parcels of lots so sold, the treasurer shall commence the publication of a notice of redemption from such sales, which shall show the year when the sale took place, and the last day for the redemption of the lands not already redeemed by the owners without other or further description, and said notice shall be published at least twice in each of said three months, in the official newspaper of the city. A copy of such notice shall be served personally on the owner or occupant of the lands, or, if unoccupied, posted on the premises, at least twenty days before the expiration of such times for final redemption. The publication and service of such notice shall bar and preclude any and all persons except the purchaser at such sale, or his assigns, or the person finally redeeming, from claiming any interest in or lien upon such lands or any part thereof, in case the said land shall not be redeemed from such sale as hereinbefore provided.

§ 299. Conveyance of real estate. If any parcel or lot so sold shall not be redeemed as herein provided the treasurer immediately after the expiration of the said two years shall execute and deliver to the purchaser, his heirs or assigns, upon demand or to the city or its assigns, or to the person finally redeeming as the case may be, a conveyance of the real estate so sold, which conveyance shall vest in the grantee an estate in fee, subject only to the liens, if any, of unpaid taxes, water rents or assessments thereon. The treasurer executing such conveyance shall be entitled

to demand and receive from the grantee two dollars for preparing every such conveyance but all purchases made for the city in any year shall be included in one conveyance; and no fee shall be charged therefor. Every such conveyance shall be executed by the treasurer and the execution thereof shall be acknowledged before some officer authorized to take and certify acknowledgments or instruments for record in said county, and such conveyance shall be conclusive evidence that the sale and subsequent proceedings were regular and according to law. Any such conveyance may be recorded in like manner and with like effect as any other conveyance of real estate. The said grantee or his assigns, or the city or its assigns, as the case may be, shall be entitled to have and possess the granted lands from and after the execution of such conveyance, and may cause the occupants of such lands to be removed therefrom and the possession thereof delivered to them, in the same manner and by the same proceedings and by and before the same officers as in the case of a tenant holding over after the expiration of his term without permission of his landlord.

§ 300. Settlement by treasurer for taxes collected. It shall be the duty of the treasurer to pay over to the treasurer of Oneida county at the end of each month during the period the tax-roll and warrant is in his hands all moneys received by him for county and state taxes; and he shall take a receipt for each payment. Except as otherwise provided by this act the treasurer shall settle with the county treasurer for state and county taxes in the manner required by law of town collectors. At the time of the delivering to him of the rolls and tax warrants the treasurer shall receipt for the same, and shall then be charged with the whole amount, which he is thereby authorized to collect. He shall not be authorized to credit himself with any amount as unpaid on any warrant until he shall make and file with the city clerk an affidavit stating the amount unpaid, and setting forth the reason in each case why such tax or assessment is or has not been collected. The council may thereupon order and authorize said treasurer to credit himself with the whole or any part of said tax or assessment unpaid and the treasurer shall be credited only with such amount as the council shall so order. Upon settling with the council the treasurer must show that he has duly settled with the county treasurer for state and county taxes.

§ 301. Powers of council as to void and erroneous assessments. The council of the city may, in its discretion, release, discharge, remit or commute any portion of the taxes or water rents assessed or levied against any person or property for any error, irregularity or omission in the paying of said taxes, or in any of the proceedings relating to the same. In case any assessment shall remain unpaid on account of any irregularity, omission or error in any assessment authorized by this act, or the laws in force when such tax or water rent was levied, or in case of error in the description of lands or in the description of the owner or occupants, the council may, in its discretion, or upon the application of any person interested, proceed to correct such irregularity, omission or error, or cancel, remit or commute such tax, or water rent, or cause the amount so unpaid to be reassessed on the property, the assessment against which remains unpaid, or upon the owner or occupant thereof and the council is hereby authorized and empowered to make such reassessment upon giving ten days' personal notice thereof to the owner, agent or occupant of the property against which the amount remains so unpaid. It may direct the city treasurer to correct any irregularity, omission or error, and such reassessment or correction shall have the same effect as if said assessment had been properly made. But the council shall not alter any valuation made by the assessors. Any omission to comply with the provisions of this act in making an assessment or levying a tax, or creating a lien, shall not render such assessment or the tax levied thereunder or the assessment made or lien created thereby void, but shall be treated as an irregularity merely and it shall be the duty of any and all courts in case it shall appear that such irregularity exists to direct the same to be corrected or amended or the omission supplied, if possible. In case any tax or assessment shall be void, or have failed for want of jurisdiction or for any irregularity, mistake or inadvertence in levying or assessing the same, the council shall have the power and it shall be its duty to cause the same to be reassessed in proper manner. Any sum paid thereon shall be credited upon the tax so reassessed, and if the sum paid shall exceed the amount so reassessed, the excess shall be refunded to the person entitled thereto.

ARTICLE XV.

LOCAL IMPROVEMENTS AND ASSESSMENTS.

Section 310. Paving.

- 311. Awarding contract.
- 312. Apportionment and payment of improvements.
- 313. Street railway corporation to pave.
- 314. Storm-water sewer.
- 315. Property owners to lay connecting pipes and mains.
- 316. Assessment of cost.
- 317. Appeal from assessment; delivery of warrant.
- 318. Manner of payment; bonds.
- 319. Collection of assessments; penalties.
- 320. Assessment a lien; void assessments.

§ 310. Paving. Prior to the passage of any ordinance or resolution providing for the paving or improvement of any street or portion of any street, except sidewalks, the board of estimate and contract shall cause to be published for at least three times a week during two successive weeks a notice in the official newspaper of the city, that at a time and place to be therein specified it will meet to make a determination in respect thereto; such notice shall contain a brief description of the character, location and extent of the proposed improvement. Any person interested shall be entitled to be heard at such meeting; if before such a meeting a protest against the improvement, in writing, signed by the owners of a majority of the lineal feet frontage upon the street, section of a street, public place or square proposed to be improved, exclusive of any portion thereof owned by the city, or intersections of streets and acknowledged as deeds of real estate are required to be acknowledged, be filed with said board, it shall not decide in favor of the proposed improvement nor shall it again consider the same within one year, but the owners of a majority of the frontage of said street, or of a smaller section of the same, not less than one block in length on said street, may file with the said board a petition therefor, and in that case the said board may, at any time, decide in favor of the improvement as therein requested. If the said board shall determine that such improvement ought to be made it shall present to the common council a plan and accurate specification of the proposed improvement with

a written statement specifying the location, character and extent of such improvement, of what materials the same is to be made, and estimated cost thereof, specifying the particulars and items of said cost, with a copy of the resolution of said board determining that such improvement ought to be made, and an estimated statement of the amount of such expense which should be borne by the city and of the amount which should be borne by local assessment, and the amount to be paid by any street surface railway, such statement to be signed by the president and clerk of said board. The common council shall thereupon consider such recommendation and either approve or reject the same. In case the common council approve such recommendation, it shall by resolution authorize the board of estimate and contract to cause such improvement to be made, and the city clerk shall return to the said board a copy of such resolution, certified by him, and the same shall be entered upon the minutes of said board. The board of estimate and contract, subject to the approval of the common council, as aforesaid, may in its discretion adopt plans and specifications providing for different kinds of paving or materials. If the board of estimate and contract shall decide that any storm-water sewer ought to be built, it shall present to the common council a written statement specifying the location, character and extent of such proposed sewer, of what materials the same is to be constructed and the estimated cost thereof, specifying the particulars of and items of such cost, and also an estimate of the amount to be paid by the city and of the amount to be borne by local assessment, such statement to be signed by the president and clerk of the board and accompanied by a copy of the resolution that the same be built. In case the common council shall approve such recommendation, it shall by resolution authorize the said board to cause such sewer to be built and the city clerk shall return to the said board a copy of such resolution, certified by him, and the same shall be entered upon the minutes of said board. The board of estimate and contract may borrow for the purpose of paying for the cost of street improvements during the progress thereof in anticipation of the collection of assessments therefor an amount sufficient to defray the cost of such improvement, but the payment shall not exceed seventy-five per centum of the value of such work performed and materials used as determined by the city engineer. All sums of money expended in the payment of interest upon such sums as may be borrowed shall be

included in and shall be apportioned and assessed as part of the cost of such improvement. Nothing herein contained shall be deemed to supersede section one hundred and twelve of this act.

§ 311. Awarding contract. The plans, specifications, descriptions, quantity sheets and estimates of cost of the work adopted by the said board of estimates and contract shall be filed in the office of the commissioner of public works, and a notice shall then be published in the official newspaper of the city of Rome stating that said board will meet at the time and place specified therein to receive sealed proposals as provided in this act, which notice shall be published at least three times in such official paper. No proposal shall be considered which shall not be accompanied by a certified check for at least five per centum of the amount of such bid or proposal, conditioned that if the proposals be accepted the person proposing will enter into the contract upon the terms proposed and will construct the work at the price and upon the terms proposed, according to the plans and specifications and quantity sheets filed with the commissioner of public works and subject to the supervision and approval of such persons as the board may designate for that purpose; and further conditioned that the person making the proposal will erect and maintain suitable guards and lights to prevent injuries to such work, or to persons or property by or in consequence of the prudent and careful use of such street, lane, alley, side or crosswalk during the progress of such work, and will save the city harmless and indemnify it against all loss, damage or other expense that may arise by or through any neglect of such persons or those in his employment, to erect or maintain such guards, lights or either of them. The contract shall be made with the lowest bidder for the kind of paving or material as determined by the board of estimate and contract subject to the approval of the common council, but no contract shall be let for a sum in excess of the estimated cost of the work.

§ 312. Apportionment and payment of improvements. In case the work shall be grading, leveling or paving, macadamizing or telfordizing a street, lane or alley with or without storm-water sewers, the city engineer shall ascertain the aggregate front length of lots upon both sides thereof, and the front length of each lot or parcel with an accurate description thereof, and the name of each owner so far as it can be ascertained. The board of estimate and contract shall then determine the expense of the whole work,

including the expense of surveying, advertising and preparing the assessment lists, and cause the average expense upon each foot of the parcels of land upon both sides of said street, lane or alley, including cross streets, to be ascertained and each and every lot or parcel of real estate to be assessed with its portion of the expense by multiplying its number of feet front into the average expense per foot. The expense of grading, leveling, paving, repairing, macadamizing or telfordizing intersections, crossing and junctions of streets and alleys, and in front of lands of the city of Rome and making of crosswalks, sidewalks, drains or sewers therein or thereon, and the cost of repaving or resurfacing any street or road that shall have been perviously paved shall be borne by that portion of the city of Rome within the corporation tax district, and the amount thereof shall be raised by a general tax as provided in this act.

Provided, however, that the city of Rome, by its common council, is hereby authorized and empowered, and it may, by resolution duly adopted, issue and sell bonds annually in the name, in behalf of and upon the credit of said city in an amount not exceeding in the aggregate at par value the city's annual share, portion or part of the cost and expense of extending and constructing street improvements, and the proceeds of such bonds shall be applied by said common council for the object and purposes aforesaid, and for no other purpose. Such bonds shall be signed by the mayor and city clerk and sealed with the seal of said city. They shall be issued for such length of time, not to exceed five years from the date of issue, and at such rate of interest, not to exceed the legal rate, and upon such other terms as said common council shall determine, and shall be sold for not less than their par value and accrued interest. They may be sold at public or private sale, as said common council may determine. They shall be numbered consecutively from one to the highest number issued, and the city treasurer shall keep a record of each bond, the date, amount, rate of interest, when and where payable, and the purchaser thereof. It shall be the duty of said city to cause to be raised yearly by tax upon the taxable property in said city, in the same manner as the other general taxes are levied, a sum sufficient to pay the interest upon said bonds, when and as the same shall become due and payable and from time to time in like manner to raise the money necessary to pay the principal of said bonds as they shall fall due.

In the event that there shall remain a portion or the whole of a block on any street, which has not been paved, macadamized or telfordized, lying between portions of said street or intersecting with streets which have been paved, macadamized or telfordized, the board of estimate and contract shall have the power, subject to the approval of the common council, to enter into a contract for paving, macadamizing or telfordizing that portion of said street so unimproved, the expense connected therewith to be determined and assessed in the same manner as is provided for other paving, macadamizing or telfordizing under this act.

§ 313. Street railway corporation to pave. Every street surface railroad corporation so long as it shall continue to use any of its tracks in any street, avenue or public place in the city, shall pave or improve and have and keep in permanent repair that portion of such street, avenue or public place between its tracks, the rails of its tracks and two feet in width outside of its tracks, as directed by the board of estimate and contract whenever required by them to do so and in such manner as they may prescribe. In case of the neglect of any such corporation to make pavements or repairs after the expiration of thirty days' notice so to do, the board of estimate and contract with the approval of the common council may cause the same to be made at the expense of such corporation.

§ 314. Storm-water sewer. In case the work shall be construction of a storm-water sewer or drain separate from paving, macadamizing or like street improvement, the expense of such sewers, including surveying, advertising and preparing assessments, shall be assessed upon the real property deemed benefited thereby as near as may be in proportion to the amount of its benefits. In case the sewer shall be constructed at the same time with the paving, macadamizing, telfordizing or like improvements of streets, the expense thereof may be regarded as a part of such pavement or improvement and included in the assessment therefor, and for which bonds may be issued. If the storm-water sewer or drain is the continuation or extension of one previously existing in making the assessment such sums as have been previously assessed upon the real estate benefited shall be taken into consideration in order, so far as practicable, to render the assessment equal upon each lot or parcel, considering the whole drain or sewer as continued or extended.

§ 315. Property owners to lay connecting pipes and drains. The board of estimate and contract is hereby authorized and empowered at any time upon any paved or unpaved street, or upon any street where improvement is contemplated, to compel the residents of any such streets and the property owners whose lots front or abut thereon, to lay house connecting drains, gas and water pipes in the manner they shall provide from the line of curbing in front of their property on any street to the sewer, gas and water mains or pipes or either connecting them therewith. Whenever the residents or owners of said property fail to comply with the regulations of said board, the same may be done by the direction of the board of estimate and contract subject to the approval of the common council at the expense of such owners. Such expense shall be assessed upon the real property so connected, as provided in section one hundred and twelve of this act.

§ 316. Assessment of cost. When work of any local improvement has been completed, the board of estimate and contract shall direct the cost and expense thereof to be assessed by the commissioner of public works, and it shall be the duty of the said commissioner to immediately assess the cost and expense, including surveying, advertising, inspection and assessment of such local improvement, upon the property lying within the district of assessment as heretofore provided, separately assessing and stating the amount assessed for paving, sewer or sidewalk respectively, and also stating the amount to be paid by the city by a general tax separately, stating the amount for paving, sewer, sidewalks or crosswalks. He shall make an assessment-roll and set the amount of the tax assessed for each of said improvements opposite the name of the person, corporation, association and property assessed, which property shall be briefly described by number of lot or otherwise, so that it may be located and identified. When completed said assessment shall be deposited in the office of the city clerk and the city clerk shall give public notice in the official paper for one week of the completion thereof, and send written notice by mail to each person so assessed, addressed to his last known residence, that such assessment-roll has been prepared and will remain at said office for ten days from the date of said notice, during which time any person interested may examine such roll. On the day and hour specified in said notice the board of estimate and contract shall hear and consider any objection to said assessment and shall decide upon the same and shall if need be alter and correct said assessment-roll, and when completed sign the same and file it with the clerk.

§ 317. Appeal from assessment; delivery of warrant. Within ten days after the assessment-roll is completed, signed and filed, any party thinking himself aggrieved may file with the city clerk a written appeal therefrom, briefly stating the grounds of such appeal. The board of estimate and contract shall thereupon proceed to hear and determine such appeal or appeals upon view of the property assessed or upon evidence, or both, and affirm or reverse the assessment, and for such purpose may by subpoena compel the attendance of witnesses and production of papers. In case of affirmance the proceedings thereafter to collect the said assessment shall remain the same as if no appeal had been taken; in case of reversal the board of estimate and contract shall appoint three disinterested freeholders of the city who shall proceed in like manner and for such purpose be invested with the same power as the commissioner of public works, to make a new assessment; they shall make their tax-roll in the same manner and sign the same and file it with the city clerk, and it shall be conclusive upon all parties; such freeholders shall receive four dollars per day for their services, to be paid by the city unless the assessment of the appellants, as determined by said freeholders, shall be no more favorable to them than the assessment appealed from, in which case the fees of such freeholders shall be paid by the appellants and added to the amount of their tax respectively by said freeholders in proportion to the amount thereof. If no appeal is taken from the first assessment-roll filed with the city clerk, or if an appeal be taken therefrom and such assessment be affirmed, the common council shall cause the proper warrant to be attached thereto and to be delivered to the city clerk. If an appeal be taken from such first assessment and the same be reversed the common council shall cause the proper warrant to be attached to the second assessment-roll by such freeholders and to be delivered to the city treasurer; thereupon the city treasurer shall receive the taxes for said local improvements for thirty days without fees.

§ 318. Manner of payment; bonds. In case the work shall be the paving, macadamizing, telfordizing or improvement of a street, upon the making and delivery to the city clerk of the assessment-roll as provided in this act, and giving notice by publication thereof in the official paper that the city treasurer will receive such assessments or taxes for the thirty days from the date of the first notice, the said city treasurer shall receive said assessments without fees. Upon the expiration of said period of thirty

days, the city treasurer shall certify to the common council the whole amounts unpaid upon such assessments, and thereupon the common council shall authorize the issue of bonds to be known as assessment bonds in an amount not exceeding the amount of said local assessment, which bonds shall mature one-fourth in one year, one-fourth in two years, one-fourth in three years and one-fourth in four years from a date not more than thirty days after the date of the certificate of the city treasurer. Said bonds shall be signed by the mayor and the city treasurer and countersigned by the city clerk and shall bear the corporate seal of said city. Said bonds shall be sold at not less than par value thereof and shall bear interest at the lowest rate at which the same can be sold, not exceeding the legal rate of interest, and which interest shall be payable on each series of bonds annually, and said bonds shall briefly specify the improvement for which they were issued. The proceeds of the sale of such bonds shall be applied toward the payment of cost of such improvement. In any case where the common council shall issue such assessment or improvement bonds, as authorized herein, the unpaid assessments for which said bonds were issued shall become due and payable, subject to the penalties hereinafter prescribed, one-fourth thereof each year for four consecutive years, beginning one year from the date of filing the respective assessment-rolls with the city clerk, with interest added to each installment at the rate named in said bonds. The interest to be added to the first installment shall be computed on the unpaid balance from the date of filing the respective assessment-roll with the city treasurer to the date such first installment is paid; and each of the succeeding installments shall include the interest on the unpaid balance from the date on which the previous installment was paid. No installment shall be accepted at any time prior to its due date unless interest to the time it is due is added to the payment. Said payments are subject to the penalties and all the provisions for the enforcement and collection of said assessments. In case of any default in payment of any installment within thirty days after the same shall become due and payable as above provided, the whole amount of the tax assessed upon such improvement against the person, corporation, association or property so in default, with fees and interest computed upon such whole amount, shall thereupon become due and payable, and the city treasurer shall proceed to collect the same with the fees and interest, by sale of the property

as provided in this act. No action or proceedings to set aside, cancel or annul any assessment made under the provisions of this title shall be maintained by any person unless such action or proceeding shall have been commenced within thirty days after the delivery to the city clerk of the city of Rome of the assessment-rolls, and unless within said thirty days an injunction shall have been procured by such person from a court of competent jurisdiction, restraining the common council from issuing the assessment bonds hereinbefore provided to be issued for such assessment. The moneys received by the city treasurer from the sale of bonds or collection of assessments shall be used for no other purpose than the local improvement for which the same was assessed.

§ 319. Collection of assessments; penalties. Upon receiving said assessment-rolls with the warrant or authority to collect assessments other than those provided for in the foregoing section, the city treasurer shall give notice in the official paper of the city of the receipt by him of such assessment-rolls and warrants and that all persons named therein are required to pay their taxes at his office on or before the expiration of thirty days from the date of said first publication. During said thirty days every person, company, corporation or association may pay his, her or their taxes, assessments and installments to said city treasurer without fees. Upon any such taxes, assessments or installments which are paid after the expiration of said thirty days the treasurer shall add a penalty at the rate of twelve per centum per annum, to be computed from the first date of said publication. All such taxes, assessments or installments remaining unpaid after the fifteenth day of September in each year shall be returned to the common council and shall be subjected to the same procedure for the collection thereof as delinquent general taxes and water rents as herein provided.

§ 320. Assessment a lien; void assessments. Every tax or assessment imposed for local improvement, or other object, in pursuance of this title, shall be and remain a lien upon the land upon which it is assessed from the filing of such assessment-roll in the office of the city clerk until the same has been paid. No error or mistake in the name of any owner or occupant of any lot or parcel of land assessed for local improvement, or the fact that the person named as owner or occupant is not the owner or occupant of such lot or parcel, or that a clerical or immaterial error

has been made shall invalidate said assessment-roll or the assessments thereof, or any bonds issued in pursuance thereof. In case any tax or assessment shall be void or shall have failed for want of jurisdiction, or for any irregularity in the levy or assessment thereof under this title, the common council shall have power and it shall be its duty to cause the same to be reassessed in a proper manner; if any person shall have paid on a former assessment the same shall be credited or in any case the payment exceeds the amount re-assessed the surplus shall be refunded. In case the amount assessed in any local improvement be deficient the common council shall cause the amount of the deficiency to be assessed as hereinbefore provided.

ARTICLE XVI.

POLICE AND FIREMEN'S PENSION FUNDS.

Section 330. Funds established.

- 331. Of what police fund shall consist.
- 332. Of what firemen's fund shall consist.
- 333. Sources of present funds may be revised, enlarged and equalized.
- 334. Existing funds transferred; rights saved.
- 335. Expenses of city in collecting funds to be deducted.
- 336. Commissioner of public welfare may retire member and grant pension.
- 337. Member may apply for retirement on pension.
- 338. When pensions to widows and children terminate.
- 339. Member must elect to come under provisions of act.
- 340. In case of insufficiency of funds payments prorated.
- 341. Boards of trustees, how constituted; must establish rules and file reports.
- 342. Health officer to render required services gratis.

§ 330. Funds established. There shall be and hereby are established for the city a police pension fund and a firemen's pension fund for the police and fire departments respectively of said city.

POLICE PENSION FUND.

§ 331. Of what police fund shall consist. The police pension fund shall consist of the following with the interest and income thereof, namely:

1. All fines imposed upon the members of the police force of such city.

2. All moneys received for said fund from donations, legacies, gifts, bequests or otherwise, for and on account of said fund.

3. One-half of all rewards, gifts and emoluments presented, paid or given to any member of the police force of such city, for or on account of police services and not properly belonging to the city.

4. All moneys paid for special services of policemen at ball games, county fairs, balls, parties, weddings, excursions or picnics or other special services.

5. All lost or stolen money remaining in the hands of the chief of police, the city court, or the justice of the peace of such city for a period of one year, for which there shall be no lawful claimant; and the moneys arising from the sale of unclaimed property, which the chief of police of such city is hereby authorized to sell after said property shall have been held, without a lawful claimant, for a period of one year.

6. All fees and moneys realized or received from the granting or issuing of permits to carry revolvers or other weapons, which shall be issued as provided by law, and the ordinances of said city now or hereafter adopted, and one-half of all fines imposed and collected from persons found guilty of carrying concealed weapons.

7. All moneys realized, derived or received from the collection of license fees collected from the owners of dogs in said city, in pursuance of the provisions of the ordinances of said city.

8. The treasurer of the city of Rome shall annually deduct two per centum from the police earnings which are received by him from the board of supervisors of the county of Oneida, and deposit the same to the credit of the police pension fund, for the use and benefit thereof.

9. The treasurer of the city of Rome shall annually deduct five per centum from the city's portion of the excise money received by him from the county treasurer of the county of Oneida and deposit the same to the credit of the police pension fund, for the use and benefit thereof.

10. A sum of money equal to, but no greater than two per centum of the monthly pay, salary or compensation of each member of the police force of said city, which said sum shall be deducted monthly by the city treasurer from the pay, salary or compensation of each and every member of the police force,

including the chief and assistant chief of police; and the said city treasurer is hereby authorized, empowered and directed to deduct the said sum as aforesaid and forthwith to place the same to the credit of the police pension fund.

FIREMEN'S PENSION FUND.

§ 332. Of what firemen's fund shall consist. The firemen's pension fund shall consist of the following, with the interest and income thereof, namely:

1. All fines, penalties and forfeitures imposed upon the officers and members of said fire department by the commissioner of public welfare and collectible from pay or salary.

2. All rewards, fees, gifts or emoluments other than salary that may be paid or given for or on account of services rendered by any such officer or member except such as shall be allowed by said commissioner to be retained by such officer or member.

3. All sums of money or property that may be contributed by gifts or raised by entertainments given for that purpose.

4. An assessment of two per centum per month on the salaries of all officers and members of said department, which said sum or assessment shall be deducted monthly by the treasurer of the city from the salary of each and every officer and member of said department and held by such treasurer for the benefit of said fund.

5. The common council may, by ordinance, authorize and direct the payment into said fund of any penalties recovered for violation of any ordinance of the city and the moneys so paid shall be used for the purposes for which said fund is created.

GENERAL PROVISIONS.

§ 333. Sources of present funds may be revised. The city of Rome, by its common council, is hereby authorized and empowered by resolution duly adopted, to increase the present sources of revenue, or to create other sources of revenue, or to make appropriations, for both, or either, of said funds, which shall be a charge upon the corporation tax district of the city. There shall be maintained in the pension funds of each department the sum of two thousand dollars each to be known as a permanent fund and to be used only in an emergency and which shall be raised by taxation of the property in the corporation district if the city each year in an amount sufficient to make up any deficiency in the

aforesaid funds. Said funds should so far as possible be equalized with each other so that the distribution may be equitable as between the beneficiaries of both.

§ 334. Existing funds transferred; rights saved. The respective funds heretofore created by chapter three hundred and twenty-one, laws of nineteen hundred and nine, and chapter one hundred and eighty-five, laws of nineteen hundred and seventeen, and all acts amendatory thereof and supplemental thereto, now existing and known respectively as the police pension fund and firemen's relief and pension fund, shall be transferred to the respective funds hereby created and become a part thereof and shall thereafter be administered by the trustees of the police pension fund and the firemen's pension fund respectively as provided by this act. Nothing herein contained, however, is to be construed as depriving any beneficiary of either of said existing funds of any right or privilege thereto appertaining.

§ 335. Expenses of city in collecting funds to be deducted. Whenever by any of the provisions of this act as it now exists or may hereafter be amended, licenses, fees, taxes or other moneys, collected and received by the city, shall form and be a part of either of said funds, only such portion of such license fees, taxes or other moneys, collected by the city, shall form a part of said fund, or be turned over to the board of trustees of said fund as shall remain after deducting all of the expenses of the city, and its departments in collecting and enforcing the collection of such moneys.

§ 336. Commissioner of public welfare may retire member and grant pension. The commissioner of public welfare of said city shall have power, in his discretion to retire and dismiss from membership in either of said departments and thereupon grant pensions as hereinafter provided to any member of the respective departments, who shall have become disabled physically or mentally or shall have reached the aged of sixty years, and to widows and orphans of such members, to be paid from the respective pension fund by the board of trustees as follows:

1. Any member of said force who shall, after twenty years of membership, become superannuated by age, permanently insane or mentally incapacitated or disabled physically or mentally, so as to be unfit or unable to perform full duty by reason of such disability or disease contracted without misconduct on his part, one-

half of the pay of such member at time of retirement, to be paid monthly.

2. To the widow of any member of said force who shall have been killed while in the actual performance of duty or shall have died from the effects of any injury received while in the actual discharge of such duty, who shall hereafter die after twenty years of service in said force or who shall have been retired upon a pension, as provided in this act, if there be no child or children under eighteen years of age of any such member, the one-half the pay of such member at the time of his death or retirement, payable monthly; but if there be any such child or children of said member under the age aforesaid, then the said sum may be divided between such widow, child or children in such proportions and in such manner as the said board of trustees of the fund shall direct.

3. To any child or children under eighteen years of age of such member killed or dying as aforesaid, or pensioner as aforesaid, but leaving no widow, or if a widow, then after her death or remarriage, to such child or children being under eighteen years of age a sum equal to one-half of the pay of such officer at the time of his death or retirement, payable monthly.

4. To the mother depending for support upon such member killed or dying as aforesaid, or pensioner as aforesaid, leaving no widow or children, one-half of the pay of said member at the time of his death or retirement, payable monthly.

§ 337. Member may apply for retirement on pension. Any member of either of said departments, who, while in the actual performance of duty and by reason of the performance of such duty and without fault or misconduct on his part, shall have become permanently disabled, physically or mentally, so as to be unfit to perform full duty, upon his application in writing or upon a certificate of the city health officer showing that such member is permanently disabled, physically or mentally, so as to be unfit for duty, shall by the commissioner of public welfare of said city, be retired and dismissed from said force and service and placed on the roll of said respective pension fund and awarded and granted, to be paid in monthly installments from said pension fund, an annual pension during his lifetime of a sum equal to one-half the full salary or compensation of such member so retired. Pensions granted under this act shall be for the natural life of the pensioner and shall not be revoked, repealed or diminished, except as herein otherwise provided, and except in case that

said fund shall be insufficient to pay the same in full, in which event there shall be such pro rata reduction as the condition of the fund demands.

§ 338. When pensions to widows and children terminate. Pensions to widows shall terminate when the widow shall remarry and pensions to children shall terminate whenever the children respectively marry or arrive at the age of eighteen years. No member of either of the said forces shall be awarded, granted or paid a pension on account of physical or mental disability or disease, unless upon the certificate of the health officer of the city of Rome, which shall set forth the cause, nature and extent of the disability or the disease or injury of such member who may be placed upon the pension-roll, and said certificate shall distinctly state wherein such disability, disease or injury was incurred or sustained by said member in the performance of duty, if so incurred, and such certificate shall in each case be filed and entered on the minutes of the board of trustees of the respective fund.

§ 339. Member must elect to come under provisions of act. No person who may be a member of either of said departments of the city of Rome at the time of the passage of this act shall be entitled to any of the benefits herein unless he shall within thirty days after this act takes effect elect in writing to come under the provisions hereof, and consent in writing to the monthly deduction of two per centum of his monthly salary or compensation as provided by this act, and file such election and consent with the secretary of the board of trustees of the respective pension fund within said thirty days.

§ 340. In case of insufficiency of funds payments prorated. Nothing in this act contained shall be construed to bind or hold the trustees of either pension fund hereby created liable for any pension or other money to be paid under this act beyond the amount received by them in pursuance of this act. And in case said fund shall not be sufficient to pay said pensions provided for herein, and granted by said commissioner of public welfare in full, then such sum less than herein provided shall be paid to said pensioners pro rata, as the conditions of the respective fund will warrant.

§ 341. Boards of trustees, how constituted; must establish rules and file reports. The mayor of the city of Rome for the time being (and his successors in office), the city treasurer of such city for the time being (and his successors in office), the commissioner

of public welfare for the time being (and his successors in office), shall constitute a board of trustees for each of the funds. The mayor of the city of Rome shall be president of said board, and the city clerk shall be secretary of said board of trustees. The city treasurer of said city shall be the treasurer of each of the said funds. Said board of trustees shall have charge of and administer each of said funds from time to time and invest same or any part thereof as they shall deem most beneficial to said fund, make all necessary contracts and take all necessary and proper action and proceedings in the premises, and make payments from each of the said funds granted in pursuance of this act. The said trustees shall from time to time establish such rules and regulations for the administration of each of said funds as they may deem best. On or before the first Monday of December of each year they shall report in detail the condition of each fund, through their secretary, to the common council, and said report shall be published with the annual report of its respective department. No payments whatever shall be allowed or made by said trustees as awards, gratuities or compensation to any persons for salary or services rendered to or for said board of trustees.

§ 342. Health officer to render required services gratis. The health officer of the city of Rome shall be and he hereby is directed to perform all the duties herein imposed but without additional pay or compensation.

ARTICLE XVII.

MISCELLANEOUS PROVISIONS.

Section 350. Special elections on bond issues and extraordinary expenditures.

351. Acts, ordinances, resolutions, maps, et cetera, as evidence.

352. License fees, penalties, forfeitures paid treasurer within thirty days.

353. City considered town for certain purposes.

354. Boards and offices abolished.

355. Saving clause.

356. Laws repealed.

§ 350. Special elections on bond issues and extraordinary expenditures. The common council before authorizing any tax levy for extraordinary expenditures as provided in this act or before

authorizing the issuance of any bonds, except as otherwise provided by law or in this act, shall cause a notice of the specific purpose thereof and the amount considered necessary therefor to be published at least five times in the official newspaper of the city, the first of said publications to be made at least ten days before the date set for the consideration of the proposition embraced in the notice by said council. The common council may then by resolution duly passed authorize the issuance of such bonds or the raising by tax of the money required for such extraordinary expenditures, provided, however, that the said authorization shall not become effective if within ten days after the date of such authorization a protest or protests against the same shall be filed in the office of the city clerk signed either by three of the duly qualified and acting members of said council adopting such resolution, or by at least one hundred in number of owners of taxable real property, excluding special franchises, of the entire city or of that portion of the city either inside or outside the corporation tax district as the case may be. The common council, upon the filing of the protest or protests aforesaid, shall adopt forthwith a resolution providing for the submission to the owners of taxable real property to be directly affected thereby of the said proposition and unless within sixty days from the date of the passage of the original resolution by the common council authorizing such bond issue or extraordinary expenditure, such proposition shall be adopted at a general or special election of such taxpaying voters to be called and held for that purpose, by a majority of the voters voting on such proposition, no further action shall be taken with reference thereto within twelve months from the date of said election. The common council, by the vote of a majority of all the members elected thereto, may also, without receiving any such protests, submit any such proposition to the voters as herein provided. When the use of the money so to be raised shall be for the purpose of the corporation tax district of the city the franchise shall be limited to owners of taxable real property of such district. At any election provided for in this section only voters entitled to vote for an officer and owning real property other than special franchises in the city, or of the corporation tax district, as the case may be, shall be entitled to vote upon such a proposition. At least ten days' notice of any election under this article shall be given by the city clerk by publication at least once in the official paper of the city. Such election shall

be held and the result canvassed and certified as may be prescribed by ordinance of the common council. The voting shall be by ballot prepared in the form prescribed by the election law. The result of such election and the validity thereof shall be deemed to be conclusively established by the due publication of the notice stating such result.

§ 351. Acts, ordinances, resolutions, maps, et cetera, as evidence. The charter of the city of Rome and every act, ordinance, by-law, resolution and public regulation may be read in evidence from the volume containing the same, printed by the authority of the common council, or from a copy certified by the city clerk. A description and map of all the streets, highways, alleys, lanes, side and crosswalks, drains, sewers, water mains, hydrants, public squares and walks in said city heretofore laid out or which shall have been dedicated to the public, or given to the village or city of Rome, or which shall have been used or occupied by the public for twenty years, shall be recorded in a book to be kept by the city clerk for that purpose and said map shall be kept and filed in the office of the city clerk. A description of every street, public grounds, sidewalk, crosswalk, drain, water mains, hydrant and public squares and walks thereafter made or altered or discontinued shall be recorded in the same book, or set of books, to be kept for that purpose, and a map of every new street hereafter made, and of every alteration in a street, shall be made and filed with and kept in the office of said clerk. Said records and maps shall be prima facie evidence of the facts therein stated, described or portrayed in all actions or courts.

§ 352. License fees, penalties, forfeitures paid treasurer within thirty days. The moneys of all leases and licenses and for all penalties and forfeitures for violation of this act or the by-laws, ordinances or regulations of the city, and all fines imposed in and by the city court, shall be paid to the city treasurer for the use of the city within thirty days.

§ 353. City considered town for certain purposes. Nothing in this act shall be construed to prevent the board of supervisors of the county of Oneida from exercising in respect to the assessment-rolls of said city delivered to them, or the taxes imposed by them thereby, the same powers which are vested in boards of supervisors in respect to town assessment-rolls and town and county taxes or in the correction thereof except as herein otherwise specifically provided; and said city, or part of said city outside

of the corporation tax district, as the case may be, is to be considered as one of the towns of Oneida county as under laws existing at the time of the passage of this act except as otherwise provided, or required, by the express terms of this act.

§ 354. Boards and offices abolished. From and after the passage of this act the appointive boards and offices now existing, and from and after the expiration of the terms of the present incumbents the respective elective offices now existing shall be and hereby are abolished unless otherwise specifically provided herein, and the powers, duties and terms of office of all appointive and elective officers shall thereupon cease and terminate as shall also the terms of office and employment of all subordinates thereof respectively, and thereafter only such persons shall be elected, appointed or employed as provided for in this act. All books, papers, documents, files, funds and moneys in the hands of such persons shall be turned over to their respective successors in office. Nothing contained in this section is to be construed as relating to the public school system or the board of education now existing in the city, or as modifying or destroying any vested right.

§ 355. Saving clause. The powers which are conferred and the duties which are imposed upon any officer, bureau, board or department of the city under any statute of the state, or any city ordinance, shall if such office, bureau, board or department be abolished by this act, be thereafter exercised and discharged by the officer, board, bureau or department upon which is imposed corresponding or like duties, powers and functions and pursuant to the provisions of this act. Where any contract has been entered into by the city, prior to the taking effect of this act, or any bond or undertaking has been given to or for the city, which contains provisions that the same may be enforced by some officer, board, bureau or department therein named, but by the provisions of this act such office, board, bureau or department is abolished, such contract, bonds or undertakings shall not be impaired, but shall continue in full force, and the powers conferred and the duties imposed with reference to the same upon the officer, board, bureau or department which has been abolished shall thereafter be exercised and discharged by the officer, board, bureau or department upon whom is conferred or imposed like powers, duties and functions under this act. All taxes and assessments of the city of Rome uncollected at the time of going into effect of this act shall be collected so far as possible in the manner herein provided for the collection of taxes and assessments. All ordinances and by-laws

heretofore passed by the common council and not inconsistent with this act or with law shall continue in full force and effect until amended or repealed. The city shall have all the powers necessary to the exercise of the rights and the discharge of the duties conferred and imposed upon it by this act. The enumeration herein of its powers shall not be construed to deny, annul or disparage any power possessed by the city by virtue of any provisions of any existing law consistent with this act and not repealed hereby.

§ 356. Laws repealed. The following acts are hereby repealed:

Laws of	Chapter	Laws of	Chapter	Laws of	Chapter
1904.....	650.	1909.....	321.	1912.....	443.
1905.....	13.	1909.....	575.	1915.....	571.
1905.....	14.	1909.....	576.	1915.....	573.
1905.....	468.	1910.....	333.	1916.....	161.
1906.....	651.	1911.....	131.	1917.....	424.
1907.....	327.	1911.....	703.	1918.....	542.
1908.....	245.	1912.....	327.	1918.....	488.
1908.....	333.	1912.....	442.	1917.....	185.

Such repeals shall not revive any act hereby repealed, but shall include all laws amendatory repealed except as provided in this section. Such repeals shall not affect any act already existing or accrued or any liability incurred by reason of any violation of a law heretofore existing or any suit or proceeding already instituted, or action had under the laws or ordinances, unless expressly provided in this act.

Nothing herein contained shall repeal any existing provision of law providing for estimates or relating to the manner of financing the affairs of the city for the year ending December thirty-first, nineteen hundred and twenty.

§ 357. This act shall take effect immediately.

(No. 4.)

AN ACT to amend the Greater New York charter, in relation to use of the proceeds of bond issues.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision nine of section one hundred and sixty-nine of the Greater New York charter, as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and

one and last amended by chapter six hundred and fifteen of the laws of nineteen hundred and sixteen, is hereby amended to read as follows:

9. For the repaving of streets to an amount not exceeding three million dollars, in any one calendar year.

Corporate stocks to be issued for purposes other than those hereinbefore in this section specifically enumerated, or for such purposes in excess of the amounts therein specified, shall be authorized by the board of aldermen, with the approval of the board of estimate and apportionment, as provided by section forty-seven of this act; provided, however, that wherever by existing provisions of law the commissioners of the sinking fund may be specifically authorized to provide for the issue of stocks or bonds, said authorization of the comptroller shall be made by said commissioners instead of said board of estimate and apportionment; and that nothing in this section contained shall affect the provisions of sections one hundred and eighty and two hundred and thirteen of this act; provided, however, that nothing in this section shall prevent the issue of general fund bonds in the manner provided by section two hundred and twenty-two of this act. The city of New York shall not, except as hereinafter provided, expend any part of proceeds of sales of corporate stock or serial bonds for the purpose of paying operating expenses of said city as hereinafter defined. The term "operating expenses," as used in this section, includes expenses for maintenance, repairs and current operation or administration of the property and government of the city; and excludes expenditures by the city for betterments, improvements and acquisition of property of a permanent nature; but expenditures made or incurred by the board of water supply, the aqueduct board, and, prior to January first, nineteen hundred and ten, by the department of docks shall not be considered operating expenses within the meaning of this act.

The city of New York shall not, except as hereinafter provided, expend any part of the proceeds of sales of corporate stock or serial bonds for other than revenue-producing improvements, *except the sum of six million dollars for the purpose of erecting a municipal building in the borough of Brooklyn.* The term "revenue-producing" as used in this section shall apply to that class of improvements, including among others those for docks, water and rapid transit purposes, the expenditure for

which shall, at the time it is authorized, be determined by the board of estimate and apportionment to have a substantial present or prospective earning power. Nothing herein contained, however, shall limit the power of the board of estimate and apportionment to authorize the use of the proceeds of the sale of corporate stock or assessment bonds to replenish the street improvement fund or the fund for street and park openings or for the purpose of meeting the expenses of improvements for which said board has authorized the issue of corporate stock prior to January first, nineteen hundred and sixteen, or meeting the expenses of improvements heretofore authorized to be paid from the proceeds of the sale of corporate stock or serial bonds by special act, nor to limit the power of the board of estimate and apportionment to authorize the use of the proceeds of the sale of corporate stock for other than revenue-producing improvements as follows: That during the year nineteen hundred and sixteen, one-half of the cost of other than revenue producing improvements shall be paid by the issue of corporate stock maturing serially from one to fifteen years, and the remaining half of such cost shall be included in annual tax levies in the manner provided in section one hundred and eighty-nine of this act; and that during the year nineteen hundred and seventeen, one-quarter of the cost of such improvements shall be paid by the issue of corporate stock maturing serially from one to fifteen years, and the remaining three-quarters shall be included in annual tax levies as provided in section one hundred and eighty-nine of this act.

When in the opinion of the comptroller it shall appear desirable to have the whole or any part of an issue of corporate stock or serial bonds made payable in the currency of a country other than the United States, such corporate stock or serial bonds so to be sold shall be made payable in such currency, with certificates in such amounts, and sold in such manner as may be duly authorized by the commissioners of the sinking fund; provided, however, that in case such corporate stock or serial bonds payable in a foreign currency or currencies is not sold in the manner prescribed for the sale of corporate stock or serial bonds under the provisions of section one hundred and eighty-two of this chapter, the comptroller shall invite sealed, competitive tenders for the purchase of such corporate stock or serial bonds in such manner as the commissioners of the sinking fund shall prescribe; and he shall make award or awards to the highest bidder or bidders for such corporate stock or serial bonds, with the full power to reject

all bids. The proceeds of sales of such corporate stock or serial bonds shall be recorded in the books of the finance department in the terms of the currency of the United States as well as in the terms of such foreign currency in which such corporate stock or serial bonds shall have been issued.

§ 2. This act shall take effect immediately.

(No. 5.)

AN ACT to amend the election law, generally.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter twenty-two of the laws of nineteen hundred and nine, known as the election law, constituting chapter seventeen of the consolidated laws, as heretofore amended, is hereby amended so as to read as follows:

ELECTION LAW.

CHAPTER 17 OF THE CONSOLIDATED LAWS.

- Article*
1. *Short title; definitions, §§ 1, 2.*
 2. *Party organization, §§ 10-23.*
 3. *Boards of elections; inspectors of election; secretary of state, proceedings preliminary to registration, enrollment and elections, §§ 30-69.*
 4. *State superintendent of elections, §§ 70-82.*
 5. *Designation and nomination of candidates; unofficial primaries, §§ 90-106.*
 6. *Registration and enrollment of voters, §§ 120-169.*
 7. *Primary, general and special elections, §§ 180-229.*
 8. *Voting machines, §§ 230-256.*
 9. *Canvass of returns, §§ 260-273.*
 10. *Presidential electors, §§ 280-286.*
 11. *Soldiers and sailors' elections, §§ 290-310.*
 12. *Campaign receipts and expenditures, §§ 320-329.*

ARTICLE 1.

SHORT TITLE; DEFINITIONS.

- Section*
1. *Short title.*
 2. *Definitions.*

§ 1. Short title. This chapter shall be known as the "Election Law."

§ 2. Application. Except as otherwise herein provided, article two, three, four and four-a of this chapter shall be controlling:

1. On the method of enrolling the voters of a party.
2. On the organization and conduct of party committees.
3. On the method of electing members of state and county committees, and delegates and alternates to national party conventions.
4. On the nomination by parties of all candidates for offices authorized to be filled at a general election, except town, village and school district officers.】

§ 【3】 2. Definitions. The terms used in this chapter shall have the signification herein defined unless other meaning is clearly apparent in language or context;

【 1. The term "general election" means the election held on the Tuesday next succeeding the first Monday in November.

2. The term "official primary" or "official primary election" means a primary election held by a party for the purpose of nominating candidates for office or, electing persons to party positions and conducted by the public officers charged by law with the duty of conducting general elections. An "unofficial primary" or "unofficial primary election" means any other primary or primary election held by a party or independent body.

3. The term "primary day" means the day upon which an official primary election is held, as in this chapter provided.

4. The term "fall primary" means the official primary election held on the ninth Tuesday before the general election.

5. The term "spring primary" means the official primary election held on the first Tuesday in April in years when a president of the United States is to be elected.】

【6】 1. The term "unit of representation" means any election district, town, ward of a city, assembly district, or any other political subdivision of the state, respectively, which is the unit from which members of any political committee or delegates to a party convention shall be elected as herein provided.

【7. The term "custodian of primary records" means the officer or board whose duty it is by the provisions of this chapter to provide official ballots for general elections.

8. The term "board of elections" shall include a single commissioner of elections in a county having such an officer and the

county clerk in any county which by the provisions of this chapter shall have no such board nor commissioner, except as otherwise provided in special provisions relating to any such county.】

【9】 2. The term “party” means any political organization which at the last preceding election for governor polled at least fifteen thousand votes for governor.

【10】 3. The term “nomination” means the selection in accordance with the provisions of this chapter of a candidate for office authorized to be filled at a general election or at a special election held to fill a vacancy in such office.

【11】 4. The term “designation” means any method in accordance with the provisions of this chapter by which candidates for party nominations, or for election as party committeemen or delegates, may be named in order that they may be placed upon the official ballot for any official primary election.

【12】 5. The term “official 【primary】 ballot” means the ballot prepared, printed and supplied for use at an official 【primary】 election in accordance with the provisions of this chapter.

【13】 6. The term “party position” means membership in a party committee or the position of delegate or alternate to a national party convention.

【14】 7. The term “committee” means any committee chosen, in accordance with the provisions of this charter, to represent the members of a party in any political subdivision of the state.

【15】 8. The term “independent body” means any organization or association of citizens which, by independent certificate, nominates candidates for office to be voted for at a general, special or village election, or town meeting, and which【, if such independent body nominated a candidate for governor at the preceding general election of a governor, did not poll at least fifteen thousand votes for its candidate for such office.】 *is not a party as herein provided.*

【16】 9. The term “party nomination” means the selection by a party of a candidate for an office authorized to be filled at a general election, or at a special election held to fill a vacancy in such office, or at a town meeting.

【17】 10. The term “independent nomination” means the selection of a candidate by an independent body for an office authorized to be filled at a general election, or at a special election held to fill a vacancy in such office, or at a town meeting.

【18】 11. The term “party candidate” or “party nominee” means a person who is selected by a party to be its candidate for

an office authorized to be filled at a general election, or at a special election held to fill a vacancy in such office, or at a town meeting.

【19】 12. The term “independent candidate” or “independent nominee” means a person who is selected by an independent body to be its candidate for an office authorized to be filled at a general election, or at a special election held to fill a vacancy in such office, or at a town meeting.

【20. The term “poll-book” or “primary poll-book,” when applied to such a book to be used at a general election or spring or fall primary, outside of a city of over one million inhabitants, means the appropriate poll-book section of the register.】

【21】 13. Words of the masculine gender include the feminine; and this rule of construction shall not be impaired or affected by the fact that appropriate words are used in certain sections or parts thereof to indicate specifically the masculine and the feminine.

ARTICLE 2.

Section 10. Party committees.

11. *State committee.*

12. *County committee.*

13. *Determining existence of vacancies in county committee in certain cases.*

14. *Election of members of state and county committees.*

15. *Formation of committees other than state or county committees.*

16. *Organization and rules of committees.*

17. *Review of election of committees.*

18. *Removal of member of committee.*

19. *Vacancies in state or county committees.*

20. *Party funds not to be expended for primary purposes.*

21. *Emblems.*

22. *Conflict in names or emblems.*

23. *Supplying omitted emblems.*

§ 【35】 10. Party committees. Party committees shall consist of a state committee, county committees, and such other committees as the rules and regulations of the party may provide. *The existing committees shall continue until their successors are elected as herein provided.*

§ 55. Existing state and county committees continued. Party state and county committees now existing shall continue until their successors are elected as provided for in this act.]

§ [36] 11. State committee. The state committee of each party shall be constituted by the election from each assembly district of one member who shall be an enrolled voter of the party within said district. Each member of a state committee shall be entitled to one vote.

[In case of the death, declination, disqualification, removal from district, or removal from office of a member of a state committee or the failure to elect a member as by reason of a tie vote, the vacancy in such state committee caused thereby shall be filled by the remaining members of such state committee as provided in section forty-three of this chapter.]

In the event of a change of the boundaries or designation of assembly districts after the election of members to such state committee, members thereof shall represent for the balance of their term, the district in which they reside, provided there is only one such member resident in such district. If no member, or more than one member, be resident in such district so changed, a vacancy from such district shall be deemed to exist which shall at a meeting, of which every member shall have three days' notice by mail from the chairman of the county committee, be filled by the members of the county committee residing in such assembly district until the next official primary election, at which time such vacancies shall be filled by election in the manner provided in this chapter for the balance of such term.

§ [37] 12. County committee. The county committee of each party shall be constituted by the election in each election district within such county of at least one member, and of such additional members as the rules and regulations of the party may provide for such district, proportional to the party vote in the district for governor at the last preceding gubernatorial election, or in case the boundaries of such district have been changed or a new district has been created since the last preceding gubernatorial election, proportionate to the party vote cast for member of assembly at the last preceding general election; and in any county having one million or more inhabitants, where the county committee of any party, by its rules and regulations, is constituted by the election of county committeemen from each election district proportionate to the party vote in such district, an additional member shall be elected at large from each assembly district or aldermanic

district in such county, if the said county committee shall by its rules and regulations so provide. If, in any county, no additional members are provided for by rules and regulations, the voting power of each member shall be in proportion to such party vote. In a county in which additional members are so provided for, on the basis of the party vote in election districts, or from assembly or aldermanic districts, each member of the committee shall have one vote. Each member of a county committee shall be an enrolled voter of the party residing in the assembly or aldermanic district from which or in the assembly district containing the election district in which he is elected.

【In case of the death, declination, disqualification, removal from district or removal from office of a member of the county committee, or the failure to elect a member, as by reason of a tie vote, the vacancy in such county committee caused thereby shall be filled by the remaining members of such county committee as provided in section forty-three of this chapter.】

§ 【37-a】 13. Determining existence of vacancies in county committee in certain cases. The county committee upon its organization after the election of its members at an official primary, may determine when a vacancy or vacancies in such committee shall be deemed to exist by reason of an increase of the number of election districts within the county, occasioned by a change in the boundaries or the formation of one or more election districts which takes effect after such primary election, and may determine the districts which the members so elected shall represent for the balance of their terms; but a member so elected shall represent an election district covering a portion of the territory of the election district for which he was elected. A vacancy so determined shall be filled as provided in section 【forty-three】 *nineteen*.

§ 【38】 14. Election of members of state and county committees. Members of the state and county committees shall be elected at official primary elections as herein provided 【for】. Members of the state committee shall be elected biennially in each even numbered year. Members of county committees shall be elected annually【.】, *or biennially as the rules of the county committee may provide.*

Members of both committees shall be elected at fall primaries, except that in a year when a president of the United States is to be elected, such members of committees shall be elected at the

spring primary. The members of either committee shall hold office until the election of their successors.

§ [39] 15. Formation of committees other than state or county committees. All committees other than state and county committees shall be formed in the manner provided for by the rules and regulations of the party.

§ [40] 16. Organization and rules of committees. Every state and county committee, shall within fifteen days after their election meet and organize by the election of a chairman, treasurer and secretary, and such other officers as its rules may provide, and within three days thereafter file with the secretary of state and the board of elections of the county a certificate stating the names and postoffice addresses of such officers.

Each committee may prepare rules and regulations for the government of the party [and the conduct of the official primaries] within its political subdivision, which may include the payment of dues[.], *and the declaring of a vacancy for failure to pay the same.* Within three days after the adoption of such rules and regulations a certified copy of the same shall be prepared and filed by the secretary with the custodian of primary records for the political subdivisions for which such committee is to serve and also a certified copy with the secretary of state. Such rules shall continue to be the rules and regulations for the committee until they are amended or new rules adopted. Such rules and regulations may be amended from time to time by majority vote of the committee, provided a copy of the proposed amendment shall be sent with the notice of the meeting at which such amendments are to be proposed, such notice to be not less than five days before such meeting, and to be mailed at the postoffice address of each member of the committee. Until the adoption of such rules and regulations, the rules and regulations of the existing committee, so far as consistent with this chapter, shall continue to be the rules and regulations of the party for that political subdivision.

§ [41] 17. Review of election of committees. The election of members to any party committee may be reviewed by summary proceedings before the supreme court or a justice thereof, as provided for in section one hundred and six of this act, upon the petition of any person qualified to vote at the primary election of the party which such committee represents.

§ [42] 18. Removal of member of committee. A member of a party committee may be removed by such committee, for disloyalty to the party or corruption in office, after notice and a hearing upon written charges, to be heard by the committee or a subcommittee thereof appointed for that purpose, which shall report its findings to the full committee. The action of any committee in removing a member thereof as herein provided for may be reviewed in a summary proceeding before the supreme court or by a justice thereof, upon a petition of the person so removed.

§ [43] 19. Vacancies in state or county committees. Except as otherwise provided in this article, where a vacancy occurs in any state or county committee, such vacancy shall be filled by the remaining members of said committee by the selection of an enrolled voter of the party qualified for election from the unit of representation as to which said vacancy shall have occurred.

§ [562] 20. Party funds not to be expended for primary purposes. No contributions of money, or the equivalent thereof, made, directly or indirectly, to any party, or to any party committee or member thereof, or to any person representing or acting on behalf of a party, or any moneys now in the treasury of any party, or party committee, shall be expended in aid of the designation or nomination of any person to be voted for at a primary election, either as a candidate for nomination for public office, or for any party position.

§ [124] 21. Emblems. It shall be the duty of the state committee of a party to select some simple device or emblem to designate and distinguish the candidates of the party for public office. Such device or emblem shall be shown by a representation thereof upon a certificate signed and duly executed by the chairman and secretary of such state committee, which certificate shall be filed with the secretary of state, and such device or emblem, when so filed, shall in no case be used by any other party or any independent body. When any independent body shall make a nomination of a candidate or candidates to be voted for by the voters of the entire state, it shall be the duty of the persons who shall sign and execute the certificate of nomination of such candidate or candidates, to likewise select some simple device or emblem to designate and distinguish the candidate of such independent body making such nomination, and such device or emblem shall be shown by the representation thereof upon such certificate of nomination. The device or emblem so chosen,

when filed as aforesaid, shall be used to designate and distinguish all the candidates of the same party or independent body nominated by such party or independent body, or duly authorized committee or primary thereof, in all districts of the state and shall continue to be used to designate and distinguish the candidates of such party or independent body in all districts of the state until changed by the state committee of the party or by the independent body choosing such device or emblem. The device or emblem chosen as aforesaid may be a star, an animal, an anchor, or any other appropriate symbol, but neither the coat of arms or seal of any state or of the United States, nor the state or national flag, nor any religious emblem or symbol, nor the portrait of any person, nor the representation of a coin or of the currency of the United States shall be chosen as such distinguishing device or emblem.

Existing devices or emblems, heretofore chosen pursuant to law, shall continue until changed in the manner provided in this section [as hereby amended].

§ [125] 22. Conflict in names or emblems. If two or more different parties or independent bodies shall select the same, or substantially the same, device or emblem or party name, the supreme court or any justice thereof within the judicial district or any county judge within his county shall decide which of said parties or independent bodies is entitled to the use of such device or emblem or party name, being governed as far as may be in his decision by priority of selection in the case of the device or emblem, and of use in the case of the party name. [If the other party or independent body shall present no other device or party name after such decision, the custodian of party records shall select for such other party or independent body another device or party name, so that no two different parties or nominating bodies shall be designated by the same device or party name.] If there be a division within a party, and two or more factions claim the same, or substantially the same device or name, the court or judge aforesaid shall decide between such conflicting claims, giving preference of device and name to the primary, body or committee thereof, recognized by the regularly constituted party authorities.

Any question arising with reference to any device, or to the party or other name designated in any certificate filed pursuant to the provisions of this article, or with reference to the construction, sufficiency, validity or legality of any certificate, shall be

determined upon the application of any citizen by the supreme court, or any justice thereof, within the judicial district, or any county judge within his county, who shall make such order in the premises as justice may require, but the final order [at special term] of such court, justice or judge must be made on or before the twelfth day or, in the case of a certificate of nomination of a town or village officer, the seventh day preceding the day of election. Such question shall be heard upon such notice to such officers, persons or committees as the said court or justice or judge thereof shall direct.

The supreme court, at special term, in any judicial district in which two or more proceedings are pending in such district under the provisions of this section may, by order, consolidate all such proceedings and provide that further proceedings therein be had before such court at special term, in all cases where the question or questions involved are identical. [If one or more of such proceedings be pending before a justice or county judge, notice of such order shall be forthwith given to such justice or judge.]

[§ 126] 23. Supplying omitted emblems. If a party or independent body shall have nominated candidates to be voted for [by the voters of the entire state,] in any year, and shall have no device or emblem, [selected and certified as required by this chapter,] to the use of which it is entitled, to distinguish such candidates, it shall be the duty of the secretary of state or board of elections with whom or which the nominating petition is filed to select a device or emblem for that purpose[, and such device or emblem so chosen shall be used to designate all candidates of that party or independent body throughout the state, whether such candidates are nominated for state or local offices; and if any certificate of nomination of candidates to be voted for by the voters of a district less than the entire state, shall be filed with the secretary of state, or with any public officer pursuant to this article, by an independent body, or if nominations for such offices be made by a party, which independent body or party shall have made no nomination of candidates for offices to be filled by the voters of the entire state, and such independent certificate of nomination shall omit or the state committee of such party shall have omitted to select a device or emblem to distinguish the candidates thus nominated, it shall be the duty of the secretary of state or other public officer with whom an independent certificate of nomination for such offices is required by this chapter to be filed to select a device or emblem to represent such candidates.]

ARTICLE 3.

BOARDS OF ELECTIONS; INSPECTORS OF ELECTION; SECRETARY OF STATE, PROCEEDINGS PRELIMINARY TO REGISTRATION ENROLLMENT AND ELECTIONS.

Section 30. Boards of election; qualifications of commissioners; appointment; term.

31. *Recommendations for appointment of commissioners of elections.*
32. *Salaries of commissioners of elections; expenses.*
33. *Organization of board; proceedings and reports; offices; records.*
34. *Duty of police to aid board of elections.*
35. *Board and members may issue subpoenas.*
36. *Creation, division and alteration of election districts.*
37. *Maps and certificates of boundaries of election districts.*
38. *Election officers; designation, number and qualifications.*
39. *Appointment of election officers in cities.*
40. *Authentication of party lists.*
41. *Examination as to qualifications; appointment.*
42. *Oath of office; certificate of appointment.*
43. *Removals; vacancies; transfers.*
44. *Certificates of service; exemption from jury duty; payment.*
45. *Designation of places for registry and voting.*
46. *Certificate by secretary of state.*
47. *Notice of official primaries.*
48. *Notices of general elections.*
49. *Notice of submission of proposed constitutional amendments or other propositions or questions.*
50. *Publication of concurrent resolutions, proposing constitutional amendments and other propositions.*
51. *Certification of nominations by secretary of state.*
52. *Delivery by secretary of state of registers and stationery for registration and enrollment.*
53. *Delivery of election laws to clerks, boards and election officers.*
54. *Publication of lists of registration and polling places.*
55. *Lists for town clerks and aldermen.*

Section 56. *Publication of nominations.*

57. *Order of names upon ballot.*

58. *Furnishing of ballots and stationery for elections.*

59. *Equipment of polling places.*

60. *Number of official ballots.*

61. *Public inspection of ballots.*

62. *Unofficial ballots.*

63. *Sample ballots, instruction cards and stationery.*

64. *Distribution of ballots and stationery.*

65. *Errors and omissions in ballots.*

66. *Apportionment of election expenses.*

67. *Fees of election officers and others.*

68. *Disposition of registers and unused ballots.*

§ 30. *Boards of elections; qualification of commissioners; appointment; term.* There shall be a board of elections in the city of New York and in each county in the state, other than counties in the city of New York. In the city of New York the board shall consist of four commissioners of elections to be appointed by the board of aldermen of that city; in the county of Monroe the board shall consist of one commissioner of elections, to be appointed by the county judge, special county judge and surrogate or a majority of them; in the county of Niagara the board shall consist of one commissioner, to be appointed by the county judge, county clerk and district attorney or a majority of them; in the counties of Broome and Oneida the county clerks respectively shall be deemed the board of elections; in other counties having a population of less than one hundred and twenty thousand, the board shall consist of two commissioners of elections and in any other county the board shall consist of two or four commissioners of elections as the board of supervisors of the county may by resolution determine, to be appointed by the board of supervisors.

The certificate of appointment of a commissioner of elections shall be filed in the office of the clerk of the county or in the city of New York in the office of the clerk of the county of New York, and the county clerk shall immediately notify the secretary of state of the appointment. In the appointment of boards of elections where there are more than one commissioner, and of the employees of such board there shall be equal representation of the two parties which at the last gubernatorial election next preceding the appointment cast the highest and next highest vote

for governor. All appointments of commissioners shall be for the term of two years, beginning at twelve o'clock noon of January first of each odd numbered year, except in the county of Monroe where the term shall be four years beginning May first, nineteen hundred and sixteen, and in the county of Niagara where the term shall be five years beginning May first, nineteen hundred and seventeen. The commissioners of election now in office shall continue until the end of their respective terms.

【§ 191. Appointment, term and qualifications of commissioners of elections. All commissioners of elections shall be appointed by the board of supervisors of the county in which such board of elections is located and in the city of New York by the board of aldermen of such city. The supervisors of each county and the members of the board of aldermen of the city of New York shall appoint the commissioners of elections for their respective counties and the city of New York. Such appointment shall be evidenced by the supervisors of each county or the board of aldermen of the city of New York making such appointments, executing a certificate substantially as follows:

“We, the undersigned, comprising the supervisors of county (the members of the board of aldermen of the city of New York) do hereby, pursuant to the election law, appoint, residing at, a commissioner of elections for said county.

“In witness whereof we have hereunto subscribed our names and the towns or wards (aldermanic districts) we represent this day day of, 19 ...”
and shall acknowledge said certificate. Said certificate shall thereupon be filed in the office of the county clerk of said county and said county clerk shall immediately upon such filing notify the secretary of state of such appointments. All such appointments shall be for the full term of two years, beginning at twelve o'clock noon of January first in each odd numbered year.】

Each 【of the said】 commissioner【s】 of elections shall be at the time of his appointment a resident and an elector of the political subdivision for which he is appointed. A commissioner of elections may, while holding such office, hold one of the following offices: Notary public, commissioner of deeds, police justice of a village, trustee or officer of a common or union school district outside of a city, justice of the peace of a town, and any other office filled by election or appointment within or for a town or

village or district or subdivision of either, except supervisor, town clerk, or inspector of election. [poll clerk or ballot clerk.] Such commissioner shall not hold, while he is commissioner, any other office, except as above provided; nor shall he be a candidate, while he is commissioner, for any elective office which he would not be entitled to hold under the provisions of this section, nor after he has ceased, by resignation or otherwise, to be commissioner, if the election shall occur within fifty days therefrom, and any votes cast for any person for any such office who shall have been a commissioner of elections within fifty days of the election at which such votes were cast shall be void and shall not be counted, except that such commissioner may be a candidate for the office of supervisor or town clerk while he is commissioner, and at any time thereafter, subject to the ensuing provisions of this section. Any votes cast for a person for either of such offices who shall have been a commissioner of elections, and who shall have resigned from or otherwise ceased to hold the office of commissioner at least fifteen days before the election at which such votes were cast shall be valid and shall be counted.

A commissioner of elections may be removed from office by the governor for cause in the same manner as a sheriff. Any vacancy in the office of commissioner of elections shall be filled by the supervisors of such county or in the city of New York by the members of the board of aldermen within five days after the filing of the certificate provided for in section [one hundred and ninety-five] *thirty-one* of this act, and the person appointed to fill such vacancy shall hold office during the remainder of the term of the commissioner in whose place he was appointed.

§ [194] 31. Recommendations for appointment of commissioners of elections. [Within ten days after this act takes effect and at] *At* least five days before the first day of January in each odd numbered year, the respective chairmen of the county committees within the counties of New York and Kings and the respective chairmen of the county committees of all the other counties in the state excepting the counties of Bronx, Queens, [and] Richmond, *Monroe, Niagara, Broome and Oneida* of each of the two political parties which at the general election last preceding the date of such certificate cast the highest and the next highest number of votes for governor, shall each respectively make and file or cause to be filed in the case of the counties of New York and Kings with the board of aldermen of the city of New York, and in the case of each of the other counties with the board of

supervisors of such county a certificate in substantially the following form, each of which certificates shall certify the name of a person who is a resident and qualified voter in the case of the counties of New York and Kings of the city of New York, or in the case of the other counties a resident of such county, and who is recommended as a fit and proper person to be appointed a commissioner of elections: "I,, chairman of the county committee of the party, for the county of, do hereby, in accordance with the provision of section [one hundred and ninety-four] *thirty-one* of the election law, certify that in the opinion of a majority of the said committee, pursuant to resolution duly adopted,, a resident and qualified elector of the borough of, city of New York, or of the county of, is a fit and proper person to be appointed a commissioner of elections, and I do hereby recommend him for appointment to said office. In witness whereof, I have made and executed this certificate, this day of, 19...."

Each of such certificates shall be duly acknowledged by the person executing the same, before a notary public or other officer authorized to take acknowledgments to deeds for record in this state. *In case of any vacancy in the office of commissioner of elections, as to which office a certificate was made as above provided, a like certificate, by the officer recommending the original appointment, shall be made and filed recommending a person to fill the vacancy.*

§ 195. Filling vacancies in board. If at any time a vacancy arises in the office of the commissioner of elections, through death, resignation, removal or inability to serve, the chairman of the county committee of the political party to which the commissioner creating such vacancy belonged, and if such vacancy arise in the office of commissioner of elections for New York city and if the commissioner creating such vacancy was a resident of the borough of Manhattan or of the borough of the Bronx of said city the chairman of the county committee of New York county of the political party to which the commissioner creating such vacancy belonged and if the commissioner creating such vacancy was a resident of any other borough of said city, the chairman of the county committee of Kings county of the political party to which the commissioner creating such vacancy belonged, shall make and file or cause to be filed with the board of supervisors of the

county in which such vacancy arises or if such vacancy arise in the board of elections of New York city, then with the board of aldermen, a certificate in substantially the form and executed and acknowledged as above provided, certifying and recommending the name of a person who is a resident and qualified voter of such county or city wherein such vacancy arises, as a fit and proper person to be appointed a commissioner of elections for the unexpired term of the commissioner creating such vacancy.】

§ 32. Salaries of commissioners of elections; expenses.

【§ 190. Boards of elections established. There shall be a board of elections in every city of the first class in this state which does, or shall, contain within its boundaries more than one county, to consist of four persons. There shall be a board of elections in each of the other counties of the state, but in counties having a population of less than one hundred and twenty thousand inhabitants such board shall consist of two persons. In other counties of the state such board shall consist of two or four members as the board of supervisors of the county may by resolution determine. In every such other county where four commissioners of election have been appointed and the number of said commissioners is reduced to two, the board of supervisors shall within sixty days after this amendment takes effect reduce the number of commissioners to two by designating the two who are to continue; and from the time of such designation the offices of the others shall be deemed abolished. Except in】 *In the city of New York the salaries of [such] commissioners of election shall be six thousand dollars a year. In all other counties the salaries of commissioners of elections and their expenditures for clerk hire shall be fixed by the board of supervisors of each county, but shall not exceed the following amounts: In each county having a population of less than ninety thousand and which does not contain within its boundaries at least three cities of the third class the salary of a commissioner shall not exceed fifteen hundred dollars, and the expenditure for clerk hire, including stenographer, each year, shall not exceed two thousand dollars. In each county having a population of less than ninety thousand and containing within its boundaries at least three cities of the third class and in each county having a population of ninety thousand and less than one hundred and twenty thousand the salary of a commissioner shall not exceed twenty-five hundred dollars, and the expenditure for clerk hire, including stenographer, each year, shall not exceed*

thirty-five hundred dollars each year. In each county having a population of one hundred and twenty thousand and less than five hundred thousand the salary of a commissioner shall not exceed three thousand dollars, and the expenditure for clerk hire, including stenographer each year, shall not exceed five thousand dollars. In each county having a population of five hundred thousand and less than a million the salary of a commissioner shall not exceed three thousand dollars. The population of the various counties of the state referred to in this section shall be fixed and determined according to the latest preceding federal census, or state enumeration. *Each board may, subject to the foregoing provisions, appoint and at pleasure remove such employees as may be necessary and fix their rank and salaries.* [Not more than two of such commissioners, if the board of elections consist of four members, and not more than one of such commissioners if said board consists of two members, shall belong to the same political party or be of the same political opinion on state or national politics. The persons composing such boards of elections shall be designated "commissioners of elections." Each of the said boards of elections shall be and is hereby charged with the duty of executing the laws relating to all elections held within their respective cities or counties, except as otherwise provided by law.]

[§ 196. Bi-partisan character of board. Each and every certificate filed with the board of supervisors or the board of aldermen in pursuance of the provisions of this article, shall be kept by the board with which the same is filed in some safe and secure place in the office of the clerk of said board, and shall be a public record open at all reasonable hours to the inspection of any person who may desire to see the same, it being the intention of this article, and said intention is hereby declared, to secure in the appointment of the members of the boards of elections established by this article and the employees thereof, equal representation of the two political parties which at the general election next preceding such appointment cast the highest and the next highest number of votes for governor, and of which the committees and chairman of committees have been duly elected as such under and in pursuance of the provisions of article three of this chapter relating to primary elections.]

[§ 193. Salaries of commissioners of elections. The salary of each commissioner of elections in the city of New York shall be six thousand dollars a year, payable in equal monthly

instalments. The salaries of all other commissioners of elections shall be fixed by the board of supervisors appointing said commissioners and may be changed from time to time by resolution of the said board of supervisors, but shall not exceed the amounts specified in section one hundred and ninety.】

【§ 192. Organization of board; rules and reports. At their first meeting the commissioners of elections shall organize as a board by electing one of their number as president and one as secretary, and in case no election can be had the members shall draw lots for such places. The president and secretary shall not belong to the same party. The board shall have power to adopt such rules and regulations for the control and conduct of the affairs of such board and of its employees as are not inconsistent with or in violation of law.】

§ 33. Organization of board; proceedings and reports; offices; records. *Where there is more than one commissioner of elections, the commissioners at their first meeting shall organize as a board by electing one of their number as president and one as secretary, and in case no election can be had the members shall draw lots for said places. The president and secretary shall not belong to the same party. Every board shall adopt an official seal and shall cause a description of it with impressions from it to be filed in the office of the county clerk, or in the city of New York, in the office of the clerk of each county in the city. Its records are public records. Minutes of all meetings shall show how each commissioner voted upon any resolution or motion. The board shall keep a record of its proceedings and shall make an annual report in the month of January of the affairs and proceedings of said board to the secretary of state. The board of elections of a county outside of the city of New York shall also make an annual report in the month of January, of its affairs and proceedings, to the board of supervisors. The board shall append to the report to the secretary of state a statement of the number of voters enrolled with each party for that year in each election district. The board shall also collect such data as may be available relating to the expense connected with registration, enrollments and elections within its county or city each year and include a statement thereof in such report to the secretary of state, together with such other information relating to elections as the secretary of state may prescribe. Each board shall maintain an office and the board in the city of New York*

shall maintain a headquarters in the borough of Manhattan, and an office in each other borough of the city.

§ [199]34. Duty of police to aid board of elections. It shall be the duty of the commissioner of police and the officers and members of the police force, whenever called upon by the board of elections, to render to said board all practicable assistance in the enforcement of this chapter, including the use of the police telephone service. The commissioner of police shall detail to the service of the board of elections upon its written request such patrolmen and other members of the police force as may be necessary from time to time for the faithful performance by said board of its functions and duties. All copies of police reports to commanding officers of precincts under section one hundred and fifty-seven of this chapter, shall be forthwith transmitted by the precinct commander to the board of elections. All statements of canvass delivered to any officer in command of a precinct under section [three hundred and seventy-two] *two hundred and seventeen* of this chapter shall be forthwith transmitted by such precinct commander to the board of elections to be by them preserved with the same force and effect as if preserved by the police.

§ 200. Expenses of board of elections. All sums necessary to pay the expenses of the board of elections of the city of New York, including the salaries of the commissioners of elections, chief clerks, clerks, assistant clerks and other employees, and to meet and defray the charges and expenses of all elections lawfully held in the city of New York or in any territory included therein, shall be a charge against the said city, and shall upon proper certificates and vouchers be paid in the same manner as other expenses and charges against the said city are by law provided to be paid. Said charges and expenses, as estimated, shall be included in the annual budget of said city each year and in the yearly taxes levied upon the estates, real and personal, in the city of New York.

The board of elections in each county, excepting those counties comprising the city of New York, shall on or before the fifteenth day of December in each year certify to the clerk of the board of supervisors creating said board of elections the total amount of the expenses of said board of elections, including salaries, for the preceding year, and, if the board of supervisors of any county shall so direct, shall certify to said clerk the portions of said expenses which under provisions of law are to be borne by any

city or cities in said county and the portion thereof which is to be borne by the rest of said county, and the said clerk of the board of supervisors shall thereupon notify the proper local official or officials, who, in spreading upon the assessment-rolls the taxes to be levied upon the taxable property in the city, or any of the said cities, and in the rest of the county, shall include in the amount so spread the amounts certified by the said board of elections to be borne by the said city or cities, respectively, and in the amount spread upon the assessment-rolls of the taxable property in the several towns or other political subdivisions of the rest of the county the amount so certified by said board of elections to be borne by the said towns or political subdivisions respectively.】

【§ 207. Office hours, rules and regulations of boards of elections. The offices of each board of elections shall be public and open during every business day of the year. The board of elections in each county shall designate the hours when said offices shall open and close. Each board of elections may adopt its own rules and regulations for the transaction of its business.】

【§ 208. All records to be public; records of transactions of the boards of elections. All the records in the office of the board of elections shall be public and open for inspection by any citizen of the state of New York during the hours when the said office shall be open, and the said board of elections shall provide ample and sufficient facilities for keeping said records and making copies of the same.

Each board of elections shall keep a record of its proceedings, which shall be public and transcribed in a book or books within twenty-four hours after the adjournment of said board. Minutes of all meetings of the board of elections shall show how each commissioner of elections voted upon any resolution or motion proposed at said meeting of the board.】

§ 【209】35. Board and members may issue subpoenas. The board of elections and any of the commissioners thereof may require any person to attend before the board or a commissioner at the office of the board or a branch office and be examined by the board or a commissioner as to any matter in relation to which the board is charged with a duty under this chapter or concerning violations of this chapter, and may issue a subpoena therefor.

【§ 209-a. Articles not applicable to Oneida and Broome counties; powers and duties of county clerks in such counties defined. After this section takes effect the foregoing provisions of this article shall not apply to the counties of Oneida and

Broome, excepting section one hundred and ninety-nine. For the purpose of applying such section, the county clerk in each of such counties shall be deemed a board of elections. In each of such counties, except as otherwise provided in this section, the county clerk shall have therein the powers and duties of a board of elections, as well as those of a county clerk, prescribed by this chapter or other statute, and references to such board shall be deemed to mean and include, with respect to any such county, the county clerk thereof. All books, documents, papers, records and election appliances or appurtenances held or used by or under the control of the board of elections in the county of Oneida or county of Broome, pursuant to the provisions of this chapter, shall, when this section takes effect, be transferred to the care, custody and control of the respective county clerks of such counties. Each such county clerk may adopt rules and regulations, not inconsistent with the provisions of this chapter, for conducting the business of his office in relation to carrying out the provisions of this chapter. The official papers, records and documents in the office of such county clerk from time to time relating to general, special or primary elections, or in his custody under any provisions of this chapter, shall be public and open to inspection by any citizen of the state during office hours. The county clerk of each such county shall be the custodian of primary records of his county. Notwithstanding the provisions of any other statute, either general or local, the board of supervisors of Broome county may from time to time provide by resolution for the appointment by the county clerk of such county of additional assistants, at the expense of the county, in the office of such clerk, and the board of supervisors of Oneida county may in like manner provide for the appointment by the county clerk of Oneida county of two additional deputies representing each of the two political parties which at the last general election preceding such appointment cast the highest and the next highest number of votes for governor and of additional assistants, whenever such board of either county, respectively, shall determine that such deputies or assistants are necessary for the proper performance of the additional duties devolved upon such clerk by this section; but the aggregate compensation of such additional assistant appointed on account of such additional powers and duties in the county of Broome shall not exceed one thousand dollars annually, and of such deputies and assistants in the county of Oneida shall not exceed three

thousand two hundred dollars annually, exclusive of necessary emergency employees.】

【§ 202. Custodian of primary records. The board of elections shall be the custodian of primary records for each political subdivision for which such board is appointed. The board of elections for New York city shall also be the custodian of primary records for the several counties in said city.】

【§ 203. Official seal. Each board of elections is hereby authorized to adopt an official seal which shall be provided at the expense of the city or county for which said board of elections is appointed, and shall cause a description of said seal with impressions from it to be filed in the office of the county clerk of said county and of the secretary of state. Such description of the official seal of the board of elections of New York city shall be filed in the office of the county clerk of each county in said city.】

【§ 205. Notices. All notices of elections to which this chapter applies which are required by law to be published, advertised or posted in any county or any political subdivision thereof or therein shall be published, advertised or posted by the custodian of primary records of said county or of the city of New York. In the counties of Queens and Richmond, the board of elections of the city of New York shall designate two newspapers, representing respectively each of the two principal political parties into which the electors of the county are divided, in which shall be published the election notices issued by the secretary of state, and the official canvass, and fix the compensation therefor, which shall be a county charge.】

【§ 206. Transfer and custody of records; devolution and continuance of powers. All books, documents, papers, records and election appliances or appurtenances now or heretofore held or used by or under the control of any officer or officers of any county or of any political subdivision thereof or therein, relating to or used in the conduct of general, special or primary elections, shall be transferred to or continue in the care, custody and control of the board of elections; and the said board of elections in any such county shall continue to be charged with the duty of performing each, every and all of the duties of the county clerk or commissioner of elections of said county, relating to elections heretofore devolved upon such board by the former provisions of this section, except as otherwise provided in this chapter. In the city of New York the board of elections shall continue to

exercise the same powers and duties now exercised by it, excepting as otherwise provided in this chapter. All books, documents, papers, records and election appliances held or used by any commissioner or commissioners of election, in any county whose powers and duties have been heretofore terminated shall continue in the custody of the board of elections for such county.】

【§ 197. Appointment of employees. Every board of elections shall have power to fix the number, salaries, duties and rank of its chief clerks, clerks, assistant clerks and stenographers and to appoint and remove at pleasure and to fix the salaries of all employees of said board, but not in excess of the amounts specified in section one hundred and ninety; except that in a county having a population of less than ninety thousand the board may have one clerk only and his salary shall not exceed nine hundred dollars per annum, nor shall the aggregate expenditure for such clerk hire and for stenographer exceed the amount specified in section one hundred and ninety.】

【§ 198. General office and branches. The board of elections in the city of New York shall have power to provide and maintain an office for such board in the borough of Manhattan which shall be the headquarters of said board, and to furnish the same with necessary furniture and office fixtures, and shall also provide, maintain and furnish an office in each other borough of the city of New York and shall place the same in charge of a competent person. Said board of elections shall have full and complete control of the said branch offices of the board of elections and of all the offices, employees, affairs and administration of said branch offices.

In each county the board of supervisors or other body or official charged with the duty of providing public offices shall provide the said board of elections for said county with proper and suitable offices. The expenses of said offices shall be a part of the expenses of said board of elections.】

§ 【296】36. Creation, division and alteration of election districts. *Every town or ward of a city not subdivided into election districts shall be an election district. Each board of elections shall on or before the first day of July in each year, whenever necessary so to do, divide every city and every town containing more than five hundred voters into election districts, the division to take effect on the sixth Wednesday before the general election in such year. Each election district shall be compact in form*

and shall contain as near as may be four hundred and fifty voters. No election district shall be changed until at some general election the number of voters cast in one or more election districts of the town, ward or city, be more than six hundred, or less than four hundred, or unless a charge be made necessary by changes of political units. No election district shall contain portions of two counties or of two senate or assembly districts. [Every town or ward of a city not subdivided into election districts shall be an election district. Except as otherwise provided in this section, the town board of every town containing more than five hundred voters and the common council of every city, other than New York and Buffalo, in which there shall be a ward containing more than five hundred voters shall on or before the first day of July in each year, whenever necessary so to do, divide such town or ward respectively into election districts, to take effect on the sixth Wednesday before the general election in such year, each of which shall be compact in form, wholly within the town or ward, and shall contain respectively as near as may be, four hundred voters. Such duty shall be performed in the counties of Monroe and Niagara by the commissioner of elections. No such ward or town shall be again divided into election districts until, at some general election, the number of votes cast in one or more districts thereof shall exceed four hundred and fifty; and in such case the redivision shall apply only to the town or ward in which such district is situated; provided, however, that in cities of the third class the common council, or other board or body charged with like duties, by resolution duly adopted at the time and to take effect as hereinbefore provided for the division of wards into election districts, may direct that wards in such city having five hundred and fifty voters or less shall not be divided but shall constitute one election district; or, that wards having five hundred voters or less, which have been divided into election districts pursuant to the foregoing provisions of this section, shall be consolidated into one election district. Such resolution shall fix and determine the polling place for such election district or consolidated districts and in all such cases it shall be the duty of the common council, or other board or body charged with like duties, to furnish such polling place with one booth for each seventy-five voters in such election district or consolidated districts, as shown by the last preceding registration of voters in such ward. If any part of a city shall be within a town,

the town board shall divide into election districts only that part of the town which is outside of the city. No election district including any part of a city shall include any part of a town outside of a city.

A town or ward of a city containing less than five hundred voters, or an election district of a town containing less than four hundred voters may, in any year not later than the first day of July, be divided into election districts by the board or other body charged with such duty, to take effect on the sixth Wednesday before the general election in such year, when, in the judgment of such board or body, the convenience of the voters shall be promoted thereby. Upon the creation, division or alteration of an election district outside of a city, and on or before September first the town board shall appoint four inspectors of election for each election district so created, divided or altered, to take effect on or before the first day of registration thereafter and not earlier than the sixth Wednesday before the next general election, who shall be equally divided between the two parties entitled to representation on boards of inspectors. If the creation, division or alteration of an election district is rendered necessary by the creation, division or alteration of a town, ward or city or rendered necessary or occasioned by the division of a county into assembly districts after a reapportionment by the legislature of members of assembly, such creation, division or alteration of an election district shall be made and shall take effect immediately; and inspectors of election for the new election district as so created, divided or altered shall be appointed, in the manner provided by law, a reasonable time before the next official primary or meeting for registration and such appointments shall take effect immediately. If a town shall include a city, or a portion of a city, only such election districts as are wholly outside of a city shall be deemed election districts of the town, except for the purpose of town meetings.

The board of elections of the city of New York and county of Erie shall divide the cities of New York and Buffalo, respectively, into election districts on or before the first day of July in any year whenever necessary so to do as herein provided, to take effect on the sixth Wednesday before the general election in such year. Each election district in the counties within the city of New York shall contain, so far as possible, four hundred and fifty voters, provided, however, that any election district containing less than

two hundred and twenty-five voters, in such counties, made necessary by the crossing of congressional lines with other political divisions, may be consolidated with a contiguous election district in any year when no representative in congress is to be voted for in such district. Such election districts so established in the city of New York shall not again be changed until at some general election the number of registered voters therein shall exceed six hundred, except where changes are made necessary by a change in the boundaries of congressional, senate, assembly, aldermanic or municipal court districts or ward lines, provided, however, that when the number of registered voters in an election district shall, in any year, be less than three hundred and fifty, such district may be consolidated with contiguous election districts in the discretion of said board of elections. In the city of New York each election district shall be compact in form, entirely within an assembly district and numbered in consecutive order therein respectively. In the year of any decennial reapportionment the board of elections of the city of New York shall rearrange the election districts throughout the city within assembly district lines as constituted pursuant to such reapportionment, to conform as to the number of voters to the provisions of this section, which rearrangement shall take effect before the fall primary in that year; and the appointment of inspectors of election for such election district, as altered or newly created, shall be made and shall take effect a reasonable time before such primary.

No election district shall contain portions of two counties, or of two senate or assembly districts.】

【§ 296-a. Special provision as to election districts in certain congressional districts. If an election district be partly within and partly without either the seventh, eighth, twenty-first or twenty-second congressional districts, the board of elections of the city of New York, before the days fixed by law for revising and correcting registers for a special election called or to be called to elect representatives to congress therein before May first, of such year, shall divide such election district into two districts, each within the proper congressional district, or annex the part within any such congressional district to one or more adjoining election districts therein, to take effect immediately. Any election district so created, or to which a part of an election district is annexed, shall continue as an election district until changed pursuant to law. Appointments of inspect-

ors for a new election district, if any, created pursuant to this section shall take effect immediately.】

【§ 296-b. Readjustment of election districts in the year nineteen hundred and eighteen. In the year nineteen hundred and eighteen, after May first and not later than August first, in every town, ward of a city or assembly district, the board, body or officer authorized by this chapter to divide the same into election districts and to create, divide and consolidate election districts, shall divide such town, ward or assembly district, as the case may be, into election districts, wherever necessary in order that the several election districts shall contain, as near as may be, the required number of voters as prescribed by sections two hundred and ninety-six, two hundred and ninety-seven or four hundred and nineteen, according to the provisions thereof in force when such division is made, notwithstanding that the vote at the general election in the year nineteen hundred and seventeen, in any town, ward or existing election district may not have exceeded a number stated in such sections. Such division shall take effect on the sixth Wednesday before the general election in such year. In a city or town which uses voting machines, if sufficient machines cannot be provided for all of the election districts, the voting at any election in the year nineteen hundred and eighteen may be by machines in districts where they are provided and by paper ballot in districts for which machines are not provided, and the number of voters in a district adjusted accordingly.

In determining the probable number of voters in a proposed election district, such board or body shall examine the registers of existing districts, and the poll-books of the last general election, with reference to ascertaining the number of male voters residing in the territory of such proposed district and shall also consult the state enumeration of the year nineteen hundred and fifteen, the military census, so far as available, provided for in chapter four hundred and nine of the laws of nineteen hundred and seventeen, and other census or enumeration made or to be made pursuant to law and other available data, for ascertaining the actual or probable number of voters of both sexes in a proposed election district.】

【§ 297. Abolition, consolidation or changing of election districts in towns. If at a general election at which a governor is elected, the number of votes cast for governor in an election district in any town be less than two hundred, the town board

of the town may, if such town contains two election districts, abolish the division of the town into election districts, or if the town contain more than two election districts, may annex the territory of such district to one or more of the other districts therein, in such manner as will best promote the convenience of the voters; but no district shall be abolished pursuant to this section if thereby in case of the abolition of election districts, the number of voters in the town will exceed five hundred, as indicated by the last preceding vote for governor or other available sources of information, or thereby in the case of the abolition of an election district and its annexation to one or more other districts, the number of votes in any new district so created will exceed four hundred, as so indicated. All alteration of election districts, pursuant to this section, must be made on or before July first in any year, to take effect on the sixth Wednesday before the general election in such year. If the election districts in a town are abolished pursuant to this section, the town board shall, on or before September first, appoint from the inspectors of election in such town four inspectors of election for the town as an election district, to take effect on or before the first day of registration thereafter and not earlier than the sixth Wednesday preceding the next general election, who shall be equally divided between the two parties entitled to representation on boards of inspectors.

If a town has been divided into three or more election districts, and if at any general election at which a governor is elected, the number of votes cast for governor in any district in such town does not exceed two hundred, the town board of such town may on or before the first day of August succeeding, if it deems that the convenience of voters will be promoted thereby, divide such town into such number of election districts, to take effect on the sixth Wednesday before the next general election, as it deems desirable, or change the boundaries of the existing districts, in such manner that no district shall contain more than four hundred voters as indicated by the last preceding vote for governor or other available sources of information. If, in pursuance of this section, the boundaries of an election district in such town should be changed, or a new election district is created, by the consolidation of two or more districts or parts of districts, the town board shall on or before September first appoint for each such district so created, or changed, four inspectors of election, to take effect

on or before the first day of registration thereafter and not earlier than the sixth Wednesday preceding the next general election, who shall be equally divided between the two parties entitled to representation on boards of inspectors. Such inspectors of election shall hold office until their successors are regularly appointed in such election districts, in pursuance of law.】

【§ 74. Primary districts, offices and polling places. The custodian of primary records shall thirty days before each official primary day, divide every ward in a city, except a city of the first class, and divide every village having five thousand inhabitants or more, into primary districts, each of which shall consist of two contiguous election districts, except that in case there is an odd number of election districts in such ward or village, one such election district, to be selected by the custodian of primary records, shall be a primary district by itself. In each of such primary districts, except where an election district shall be a primary district by itself, there shall be two polling places. Such polling places shall be designated and provided at public expense by the officers or boards whose duty it is to provide polling places for days of general election, and shall be, so far as they are available, the same places as were used for the last preceding general election. The custodian of primary records shall assign one of the polling places in each such primary district to the party which, at the last election of governor, cast the highest number of votes for governor, and at the other polling place in such primary district there shall be held the primary elections of all other parties. In all other villages and towns, and in each city of the first class, each election district shall constitute a primary district. In a city, town or village in which each or any election district constitutes a primary district there shall be for each such primary district primary election officers, who shall consist of the election inspectors for the election district comprising such primary district and such inspectors shall be the board of primary inspectors. In a city or village having more than five thousand inhabitants, except a city of the first class, there shall be for each primary district having two polling places two groups of primary election officers, one of which shall consist of the election inspectors for the election districts comprised within such primary district who shall at the time represent the party which at the last preceding election of a governor shall have cast the largest number of votes for governor, and the other of

which shall consist of the election inspectors who shall represent the party which at such election shall have cast the second largest number of votes for governor. The first mentioned officers shall conduct the primary election of the party represented by them and the second mentioned officers shall conduct the primary elections of all other parties at the time entitled to hold primary elections. The election inspectors belonging to each such group of primary officers shall be the board of primary inspectors.

In a city, town or village in which each or any election district constitutes a primary district the polling place in each such primary district shall be designated and provided at public expense by the officers or boards whose duty it is to provide the polling places for the general election and, where practicable, it shall also be the same place that was used at the last preceding general election, unless the primary polls be placed in a school or other public building as provided in section two hundred and ninety-nine.】

§ [298]37. Maps and certificates of boundaries of election districts. 【When a ward of a city or an assembly district within a city shall be divided into two or more election districts, the officers or board creating, dividing or altering such election districts】 *The board of elections* shall 【forthwith】 make a map 【or description of such division】 *showing the election districts in each ward or assembly district within a city* 【defining it by known boundaries,】 and cause such map 【or description】 to be kept open for public inspection in the office of the *board* 【city clerk, and cause one copy thereof to be posted not less than ten days prior to the first day of registration in each year at the last polling place of each former election district, or of each ward not previously divided into two or more election districts, which is affected by such alteration, division or creation of an election district or districts, and one copy thereof at each police station house in the ward or assembly district,】 and shall, prior to the first day of registration in each year, furnish copies of such map or description to the inspectors of election in each election district of such ward or assembly district【; such】. *Such maps* 【to】 *shall be posted in the place of registration and in the discretion of the board of elections elsewhere in the election district and remain posted until the close of the general election. The* 【remaining maps so printed shall be distributed in the discretion of said】 boards of elections, 【which】 shall have respectively the power

to charge for each map a price not exceeding the cost of printing the same; and any moneys resuting from the sale thereof shall be paid to the comptroller of the city of New York or to the county treasurer of the county, in counties outside of the city of New York, for the benefit of the treasury of said city or county. The scale of such maps shall, so far as possible, be uniform and large enough to permit the printing of the street corner numbers of the block or blocks defining the extreme boundaries of each election district within or outside the lines of such block or blocks respectively; and such street corner numbers shall be printed in or outside such block lines upon said maps, so that the lowest and highest street numbers within the election district of every street bounding such election district shall be plainly shown thereon. The copies furnished to the inspectors of election shall have printed on each or affixed to each in some secure way the list of places designated pursuant to the next section as places at which the meetings for the registration of voters and the election shall be held during the year within such ward or assembly district.

【The officers creating, dividing or altering an election district in a town shall forthwith make a certificate or map thereof, exhibiting the districts so created, divided or altered, and their numbers respectively, and file the same in the county clerk's office except in the county of Erie, and in the county of Erie in the office of the commissioner of elections, and a copy thereof in the town clerk's office, and cause copies of the same to be posted in at least five of the most public places in each election district of such town, and the county clerk or commissioner of elections as the case may be, shall, prior to every general election, furnish copies of such maps or certificates, to the inspectors of election in each election district of such town, provided such election district is not coterminous with the town lines.】

§ 【302】38. Election officers; designation, number and qualifications. There shall be in every election district of the state, 【outside of a city of over one million inhabitants, the following election officers, namely,】 four inspectors 【and two general clerks,】 whose term of office【, except as hereinafter prescribed,】 shall be for one year from the date of their appointment 【or election,】 and who shall serve at every *primary* general【,】 or special 【or other】 election held within their districts during such term. 【The term of office of inspectors of election in towns shall be for two years.】

In [a city of over one million inhabitants] *the city of New York* there shall be in every election district four inspectors, [two ballot clerks and two poll clerks,] to serve at every [such] *primary or special election and at the general election* during the taking of the vote and until relieved as hereinafter provided, and four additional inspectors, who shall serve at every [such] *general election* after the closing of the polls and until the canvass is completed and returns thereof made as provided by law. Such additional inspectors shall be designated [in the appointment] as canvassing inspectors, and the same person shall not be eligible to serve, under an original appointment or vacancy appointment, at both the taking and canvassing of the vote. Such canvassing inspectors, at the closing of the polls, shall take the place of the inspectors, [poll clerks and ballot clerks] who have served prior thereto, except as otherwise provided in section [three hundred and sixty-six-a] *two hundred and ten*.

No person shall be appointed [or elected] an inspector of election, [poll clerk, ballot clerk or general clerk,] who is not a qualified voter of the county, if within the city of New York, or of the city, if in any other city, or of the election district of the town in which he is to serve, of good character, able to speak and read the English language understandingly, and to write it legibly, and who does not possess a general knowledge of the duties of the office to which he is [elected or] appointed, or who is a candidate for any public office to be voted for by the voters of the district in which he is to serve, or who has been convicted of a felony and not restored to citizenship, or who holds any public office except that of notary public or commissioner of deeds, town or village assessor, justice of the peace, police justice of a village, village trustee, water commissioner, officer of a school district, or overseer of highways, whether elected or appointed.

Each class of such officers shall be equally divided between the two political parties which at the general election next preceding that for which such officers are to serve, cast the highest and the next highest number of votes. [The canvassing inspectors, in a city of over one million inhabitants, shall be so equally divided between such parties.] When election officers are appointed the qualifications required of them by this section shall be determined by an examination as provided in this chapter.

[§ 302-a. Powers and duties of canvassing inspectors limited, in a city of over one million inhabitants. The powers and duties of the additional inspectors, designated as canvassing

inspectors, in a city of over one million inhabitants are those prescribed in sections three hundred and two and three hundred and sixty-six-a. Inspectors to conduct the registration of electors or to constitute a board of primary inspectors shall not include such canvassing inspectors; and any provision of this chapter conferring a power or imposing a duty on the inspectors of election or any of them or the board of inspectors of any election district, except the powers and duties prescribed by the sections referred to above, shall be deemed to mean and refer to inspectors of election and boards of election other than such additional canvassing inspectors. A person appointed as a canvassing inspector, however, shall be eligible to fill a vacancy in the regular board of inspectors upon a day of registration or in the board of primary inspectors, occurring on a day of registration or primary election. The provisions of section seventy of this chapter, applying the procedure at a general election to official primaries, shall not be deemed to mean that a separate or additional board of canvassers shall take the place of the primary inspectors who serve during the taking of the vote. Such primary inspectors shall have charge of not only the taking but the canvass and return of the vote.]

§ [303]39. Appointment of election officers in cities. [The] *Each* board of elections [of the city of New York and the mayor of each other city] shall, on or before the first day of September of each year, select and appoint election officers for each election district [therein,] *within its jurisdiction* and may fill any vacancy which may occur before the opening of the polls on election day.

Each political party entitled to representation in any board of election officers may, not later than the first day of July in each year, file with such board [or mayor] an original list of persons, members of such party duly qualified to serve as election officers. A supplemental list of persons may also be filed containing not more than ten names for each office. Additional supplemental lists for any election district may be filed at any time before the appointments for such districts are made and certified by such board [or mayor] or when a vacancy shall exist in the original list by reason of the disqualification, resignation, declination, or withdrawal of the name by the person or persons submitting the same, of any person on such list, and all appointments shall be made from the original list if those named therein are found qualified; if not so qualified, then from a supplemental

list so filed. If within ten days after notice in writing by the board [or mayor] to the chairman of the committee or other person by whom the list is filed or authenticated, such chairman or other person shall neglect to file an additional list, the board [or mayor] may appoint qualified persons, members of the party in default, to act as election officers.

§ [304]40. Authentication of party lists. In the city of New York such lists shall be authenticated and filed by the chairman *or secretary* of the county committee of the party in the respective counties within such city; in other [cities,] *counties* by the chairman or secretary of the [general city committee of such party, if there be such a committee, or if not, then by the chairman or secretary of the] general county committee of such party, if there be such a committee, or if not, then by the corresponding officer of any committee performing the usual functions of a [city or] county committee; provided, however, that if [in any city] more than one such list be submitted in the name or on behalf of the same political party, only that list can be accepted which is authenticated by the proper officer or officers of the faction or section of such party, which was recognized as regular by the last preceding state convention of such party; or, where no such convention has been held within the year, by the proper officer of the faction or section of said party which at the time of the filing of said list is recognized as regular by the state committee of such party which was organized by or pursuant to the direction of the last preceding state convention of such party.

§ [305]41. Examination as to qualifications[.]; appointment. All persons so proposed on behalf of any party for appointment shall be examined *by the board of elections* as to their possessing the qualifications required by section [three hundred and two] *thirty-eight* of this chapter. [If the appointing power be the board or commissioner of elections, such examination shall be made by such board or commissioner. If the appointing power be the mayor, such examination shall be made by the board of elections, as defined by section three, of the county in which the city is located. Appointments by a mayor shall be subject to the determination of such board of elections as to the qualifications of the persons appointed. Upon making his appointments from party lists the mayor shall certify the names of the persons appointed to the board of elections, accompanied with the name and address of each chairman of a com-

mittee or other person by whom each party list was authenticated.】 The board [or officer] conducting any examination under this section shall give five days' notice in writing of such examination to the person to be examined, and also the chairman of the committee or other person by whom the list is filed and authenticated, and such chairman or other person may appear and be heard at such examination, either in person or by counsel. [When the appointing and examining authority is the same board or officer, if] *If* a person so nominated after examination is found qualified, [under section three hundred and two of this chapter,] he shall be appointed to the position for which he was recommended. [When the appointing and examining authority is the same board or officer, if] *If* a person so proposed is found disqualified after examination, notice in writing to that effect shall be given by the board or other examining and appointing officer within three days after such disqualification is determined, to the chairman of the committee or other person by whom the list embracing the name of the person so disqualified was authenticated, and the vacancy shall be filled by the appointment of a qualified person named in a supplemental list filed on behalf of the same party, except that if a party entitled to representation files no list the appointment may be made without such list, as provided in section [three hundred and three,] *thirty-nine*, after examination. [Where appointments shall have been made by the mayor and certified to the board of elections, such appointments shall be absolute as to persons found qualified by the board of elections. If a person so appointed shall be found by such board to be disqualified, the board of elections shall forthwith give notice thereof to the mayor who shall, within three days thereafter, give notice in writing to that effect to the chairman of the committee or other person by whom the list embracing the name of the person so disqualified was authenticated, and a vacancy shall be deemed to exist therein to be filled by the mayor by the appointment, subject to examination by the board of elections, of a person named in a supplemental list filed on behalf of the same party, or of a person who is a member of such party if no list be filed.】 If a person recommended shall have served as an election official at any previous election, it shall not be necessary for him to be examined.

【§ 306. Party selection in the city of New York.】 In the city of New York the members of the board charged with the

duty of appointing election officers, who represent the same political party, shall have the exclusive right and be charged with the exclusive duty of selecting from the list submitted, or, in lieu of said list, the members of such party who are to be appointed as election officers.

【§ 311. Appointment of inspectors of election in towns. Except as provided in section two hundred and ninety-six, inspectors of election in towns shall be appointed by the town board in each year in which a town meeting is held for the election of town officers, and within thirty days thereafter. Such appointments shall be made from lists to be prepared, certified and filed in the manner hereinafter provided, by the two political parties entitled to representation on a board of election officers. The town caucus or primary held by each such political party for the purpose of nominating town officers shall prepare a list containing the names of at least two persons, qualified to serve as inspectors of election, for each election district in said town, which lists shall be certified by the presiding officer and a secretary of said caucus or primary, and filed with the town clerk in the same manner and at the same time as the party certificate of nomination filed by said party. From each of the two lists so filed, the town board shall appoint two persons who possess the qualifications prescribed by law for election officers. If in any town more than one such list be submitted on behalf or in the name of the same political party, only that list can be accepted which is certified by the proper officer or officers of the faction of such party which was recognized as regular by the last preceding state convention of such party; or if no such convention was held during the year, by the proper officer or officers of the faction of such party, which at the time of the filing of such list is recognized as regular by the state committee of such party.

Such appointment shall be made in writing and filed with the town clerk, who shall forthwith notify each person so appointed of his appointment to said office, in the manner in which he is now by law required to give notice to a person of his election to a town office when his name does not appear upon the poll list at the town meeting at which he was elected to said office. From the additional names, if any, contained on the lists so filed, of persons qualified to serve as such, the town board shall appoint inspectors of election in case of the resignation, declination or other incapacity of persons appointed to such office. If such

lists contain no additional names of such persons, the town board shall fill vacancies caused by such resignation, declination or other incapacity by appointing persons known, or proved to the satisfaction of a majority of the members of said board to be members of the same political party in which such vacancy occurred. All appointments to fill vacancies shall be made in writing and filed with the town clerk, and notices thereof given by him as hereinbefore provided in the case of an original appointment.】

【§ 312. Appointment of clerks in towns. At the first meeting in each year of the board of inspectors in every district in a town, one general clerk shall be appointed by the two inspectors of election representing one of the political parties entitled to representation on such board, and one such clerk shall be appointed by the two inspectors representing the other political party. Such appointments shall be in writing, signed by the inspectors making the appointments respectively, and shall be filed by them with the town clerk of the town in which such election district is situated, and a copy thereof with the post-office address of each person so appointed shall be mailed to the clerk of the county.

The general clerks so appointed shall hold their office during the term of office of the inspectors appointing them, except as hereinafter provided. The persons so appointed as general clerks shall be voters in the district in which they are appointed to serve, and shall possess the qualifications required of such officers by section three hundred and two of this article.

If at the time of any election at which general clerks are required to be present at the polling place in any election district, the office of any such clerk of such district shall be vacant; or such a clerk shall be absent, the inspectors of election in such district shall forthwith appoint a person to fill such vacancy. Such person so appointed shall, before he acts as poll clerk or ballot clerk, as the case may be, take the constitutional and statutory oaths of office.】

§【307】42. Oath of office; certificate of appointment. Every person so appointed as an election officer shall, within five days after notice of his appointment, take and subscribe the constitutional and statutory oath of office, which shall be administered【, if in the city of New York,】 by a commissioner of elections, or by any clerk or other employee of 【said】 the board of elections who shall be designated by said board in writing 【over the signa-

ture of its president] to administer said oath of office [and if in any other city, by the mayor thereof or by any other person or persons designated by him for that purpose]; and all of said officers, and all clerks or persons so designated by them or him for that purpose, shall be and are hereby authorized and empowered to administer such oath.

Every person so sworn as an election officer shall receive a certificate of appointment and qualification, signed by the person who administered the oath, in such form as many be approved by the board [or mayor] by which [or whom] he was appointed, and specifying the capacity and the election district in which he is to serve and the date of the expiration of his term of office.

§ [308]43. Removals; vacancies; transfers. Any election officer so appointed may be removed for cause by the board [or mayor] making the appointment, in which case such removal, unless made while such officer is actually on duty on the day of registration, revision of registration or election, and for improper conduct as election officer, shall only be made after notice in writing to the officer to be removed, which notice shall set forth clearly and distinctly the reasons for his removal. Neglect to attend to the duties of the office shall be a cause for the removal of any such officer. [In cities of the first class, it shall be the duty of the board or mayor making the appointment of an election officer, to remove forthwith such officer, without preferring any charges and without notice to such officer, upon the written request of the official of the political party who certified the name of such election officer or his successor.] All such vacancies so created shall be filled in the same manner as the original appointment was made. Any election officer who shall at any time be appointed to fill a vacancy, which fact shall be stated in his certificate of appointment, shall hold office only during the unexpired term of his predecessor.

No election officer shall be transferred from one election district to another after he has entered upon the performance of his duties [and no election officer shall serve in any county save that in which he shall reside].

[§ 310. Special penalties. Every person appointed as an election officer, failing to take and subscribe the oath of office as hereinbefore prescribed or who shall wilfully neglect or refuse to discharge the duties which he was appointed to perform, shall, in addition to the other penalties prescribed by law, be liable to

a fine of one hundred dollars, to be sued for and recovered by the mayor or board making the appointment, in a court of record, for the use and benefit of the treasury of such city. Any election officer who, being removed for cause, shall fail upon demand to deliver over to his successor the register of the voters, or any tally sheets, book, paper, memorandum or document relating to the registration of voters or the election in his possession, so far as he has made it, shall be liable to a like penalty to be recovered in a like manner for the benefit of such city.】 Any election officer who is removed for neglect of official duties shall forfeit the compensation earned up to the time of such removal. An election officer who is removed for neglect of official duties shall be ineligible to again serve in such capacity for the term of five years; provided, however, that the board or officer having the power of appointment may rehear the charges against such officer at any time before the expiration of two years, and if it be determined that such removal was without sufficient cause such officer shall be again eligible for appointment if otherwise qualified.

§ [309]44. Certificates of service; exemption from jury duty; payment. The chairman of each board of inspectors of each election district shall, within twenty-four hours of any election, furnish to the [mayor or] board appointing such officers, if required so to do by such [mayor or] board, under his hand, a certificate stating the number of days of actual service of each member of such board, [the names of the persons who served as poll clerks and ballot clerks on election day and] the number of days during which the store, building or room hired for registration and election purposes was actually used for such purposes. [Any person acting as such chairman, who shall wilfully make a false certificate, shall be guilty of a misdemeanor.】

All persons appointed and serving as election officers on any of the days of registration or of election or of count of votes in cities of the first class shall be exempt from jury duty for one year from the date of the general election at which they serve. Such officers shall be paid by the comptroller of the respective cities within twenty days after the election at which such officers served, upon the certificate of the board or mayor appointing them.

If a person recommended and examined for appointment as election officer in a city, or examined therefor without recommendation in the absence of a party list, as provided in sec-

tion [three hundred and five,] *forty-one* be found disqualified and be not appointed, as therein provided, and such person shall serve in the same calendar year as inspector [at a registration or election or as poll-clerk or ballot clerk at an election], under a vacancy appointment [provided for in section three hundred and thirteen,] he shall receive no compensation for such services.

§ [299]45. Designation of places for registry and voting.

1. On the first Tuesday of September in each year, the [town board of each town, and the common council of each city, except Buffalo, and the] board of elections [of the city of New York,] shall designate the place in each election district [in the city or town] at which the meeting for the registration of voters and the elections shall be held during the year; provided, however, that in the city of New York the place so designated, if a schoolhouse or other public building, may be in a contiguous election district. [In the city of Buffalo the board of elections of the county of Erie shall designate such places for registry and election on the first Monday in August in each year.]

2. Each room so designated shall be of a reasonable size, sufficient to admit and comfortably accommodate at least ten voters at one time outside of the guard-rail, and such room must in addition be of sufficient size to allow of the placing of the booths, furniture and equipment of such polling place as provided in the election law.

3. A schoolhouse or other public building *or any building exempt from taxation* may be designated, provided that the [board of education or other public] authorities in charge thereof consent and that the use of the same as a registration and polling place shall not interfere with their customary use. The expense, if any, incidental to their use under such designation shall be paid like the expense of other registration and polling places. Whenever a school or other public building is located in an election district and the registration and polling place of such district is not located in a school or other public building a statement of the reason for not designating such building must be entered by the board or officer charged with the duty of making such designations in the minutes or other record making the designation.

[4. No building, or part of a building, shall be so designated in any city, if within thirty days before such designation, intoxicating liquors, ale or beer, shall have been sold in any part thereof. No room shall be designated elsewhere than in a city, if within

thirty days before such designation, intoxicating liquors, ale or beer, shall have been sold in such rooms, or in a room adjoining thereto, with a door or passageway between the two rooms.】

【5】4. In the event that the registration shall be so large that the polling place already designated would be unreasonably crowded on election day, the board of elections may between the last day of registration and election day change the polling place so as to obtain a larger room. If for any reason said board of election changes a polling place said change must be made at least ten days before the day of election and at least five days before election day said board must send a written notice to each registered voter, notifying him of such change in the location of said polling place.

【6. No intoxicating liquors, ale or beer shall be sold in such building in a city or such room or adjoining room elsewhere after such designation and before the general election next thereafter, or be allowed in any room in which a meeting of inspectors for the election district is held for the registration of electors thereof or in which an election is held during any day of registration or election or canvass of the votes. Any person or persons violating the provisions of this section shall be guilty of a misdemeanor.】

【7】5. If any place so designated shall thereafter and before the close of the election be destroyed, or for any reason become unfit for use, or cannot for any reason be used for such purpose, the officers charged with the designation of a place for such election shall forthwith designate some other suitable place for holding such election. Not more than one polling place shall be in the same room, and not more than two polling places shall be in the same building.

§ 【51】46. Certification by secretary of state. The secretary of state shall not later than the second Thursday before an official primary election 【except a primary election held to nominate candidates to be voted for at a special election】, prepare and transmit to the several 【custodians of primary records】 *boards of elections* within the political subdivisions where the candidates, designations of whom have been duly filed with him are to be voted for, a certificate setting forth the names and residences of such candidates and the titles of the offices for which they are named, and the name of the party upon whose primary ballot their names are to be placed, and the order in which such candidates' names are to be printed under the title of an office or party position,

and the order of groups of candidates for the same position, if any.

§ [75]47. Notice of official primaries. [At least thirty-five days before each official primary day the chairman of the general committee of each party subject to the provisions of this article, shall certify and deliver to the custodian of primary records a statement of the committee and offices for which members or candidates as the case may be, are to be elected or nominated thereat, and the number of members of committees, to be elected in each unit of representation. If delegates and alternates to a national party convention are to be chosen at the primary, such statement shall certify the number to be elected in each unit of representation.] The [custodian of primary records] *board of elections* shall prepare a notice of each official primary election [provided for by this article,] and shall publish such notice, not more than thirty-five days and not less than thirty days prior to such primary election, in at least one newspaper having a general circulation in the city or village, of the political faith of each of the two parties which, at the last preceding election of a governor, cast the highest and next highest number of votes for governor. Such notice shall specify the day of such primary election, the hours during which it will be held, the location of each polling place, the election districts whose voters may vote at each such polling place, the name of the party or parties whose primary elections will be held thereat, and the national party conventions, party committees or public officers for which delegates, members or candidates, as the case may be, will be chosen thereat.

[§ 76. Restrictions as to place of primaries. No primary elections shall be held in a saloon or drinking place, or in a room which is more than one flight of stairs from the street or not readily accessible from the street.]

§ 79. Ballots, booths, books, blanks and supplies. The custodian of primary records shall have for each party printed ballots for each election district equal in number, as near as may be, to one and one-fifth times the total number of enrolled voters of the party in the election district, prepared as herein described. Such ballots and the sample ballots and the copy or copies of the register used for party enrollments, poll-books if any, blanks and stationery shall be delivered by the board of elections, at its office on the Saturday before the primary election for which they are needed to each town or city clerk in the county, except in New York city and in the city of Buffalo. It is hereby made

the duty of each such town or city clerk to call at the office of such board at such time and receive such ballots and supplies. Each such town or city clerk shall deliver to the proper polling places in their city or town the ballots and such supplies for such primary election, at least one-half hour before the time fixed for opening the polls. In the cities of New York and Buffalo, such custodian shall cause such supplies to be delivered to the proper primary officers at the various polling places at least one-half hour before the time fixed for the opening of the polls. The polling places, voting booths, guard-rails, distance markers, ballot boxes, sample ballots, poll-books, if any, and other supplies required for official primary elections, shall be provided and paid for by the same officers, and in the same manner, as in the case of general elections. At all official primary elections a separate ballot box with the name and emblem of the party and with the number of the election district clearly and conspicuously written or printed thereon, shall be provided at each polling place for each party participating in a primary election at such polling place; and there shall also be a large box for the reception of unvoted ballots and an additional box for detached ballot stubs and there shall be affixed to the outside of the polling place and in at least two places on the inside thereof, and in a conspicuous manner, placards printed with large-sized bold-faced type, which shall specify the name of the parties whose primary election is being held in such polling place. Sample ballots shall be provided by the custodian of primary records for each party for each election district, equal in number, as near as may be, to twenty-five per centum of the number of official ballots required to be furnished for such party for such election district. Such sample ballots shall be printed on paper different in color from the paper used for the official ballot, and there shall be no numbers upon the stubs thereof, but in all other respects such sample ballots shall be precisely like the official ballots. One of such sample ballots shall be furnished upon application at any time on primary day to any voter entitled to vote the ballot of which he requests a sample.

The custodian of primary records shall prepare and furnish for each board of primary election inspectors two tally sheet blanks and two statement of result blanks for each party whose primary election is under the jurisdiction of said board of primary election inspectors. Upon each of said blanks shall be indorsed

the name of the party, the name of the county, the number of the assembly district or ward, or the name of the town, and the number of the election district for which said blank is to be used.

Each such tally sheet shall consist of three columns separated from each other by vertical lines running from top to bottom of each page of the tally sheet. In the first column shall be printed the title of each public office for which a candidate is to be nominated, and, in the case of the party tally sheets, the name of each party position to which members are to be elected. Under the name of each public office, on the party tally sheets, for which candidates are to be nominated and on the same page shall be printed, in alphabetical order, the names of all candidates for the nomination therefor. Under the name of each party position on the party tally sheets and on the same page shall be printed, in alphabetical order, the names of all candidates for election thereto. On all the tally sheets, under the names of the group of candidates for each public office or party position, shall be printed, each on a separate line, the words "blank" and "void" and the phrase "total number of votes cast for this office (or position)," and under such phrase shall be left several blank spaces for writing in names not printed on the ballot. Each name and each such word, phrase or space upon said tally sheet shall be separated from each other name and each other such word, phrase or space next thereto by parallel horizontal lines extending from one side of the sheet to the other. The second column upon the tally sheet shall be headed, at the top of each page thereof, "Space for tally as canvass progresses." The third column in like manner shall be headed "Space for total number of votes received by each candidate."

Each such statement of result sheet shall consist of two columns separated from each other by a vertical line running from top to bottom of each page of the sheet. In the first column shall be printed the title of each public office, and, in the case of the party statement of result sheets, the name of each party position, and the names of all the candidates therefor, which shall be printed in the same manner and order as upon the tally sheet in the first column thereof. All names shall be separated from each other by parallel horizontal lines. At the head of each statement of result sheet shall be printed the following: "Statement of result of the vote cast at the official primary election held on the day of (the blanks being properly filled)," and there

shall also be printed the name of the county, the number of the assembly district or ward, or the name of the town, and the number of the election district. At the foot of each such statement of result sheet shall appear the following certificate to be signed by the primary election inspectors:

“We hereby certify that the foregoing statement of result is true and correct in all respects.

.....

Board of primary election inspectors.”

All pages of each tally sheet and of each statement of result sheet shall be securely bound together in convenient form.

§ 73. Expense of official primaries. The expense of official primary elections, including the expense of new books for copying enrollments in the case of changed election districts, and the compensation herein provided to be paid to primary election officers, shall be paid by the same officers or boards and in the same manner, as the expenses of general elections. If provision shall not have been made for the payment of such expense in any year, then the officers who are empowered by law to make such provision in any county, city, town or other political subdivision of the state, are hereby authorized and directed to raise money to such an amount as may be necessary, in any manner provided by law for meeting expenses in anticipation of the collection of taxes and to pay such expense therefrom. The amount so raised shall be included in the amount to be raised by tax in the ensuing year.]

§ [293]48. Notices of general elections. The secretary of state shall, at least two months before each general election, make and transmit to the [custodian of primary records] *respective boards of elections* a notice under his hand and official seal, stating the day upon which such election shall be held, and stating each officer, except city, village and town officers, who may be lawfully voted for at such election by the electors of such county or any part thereof. If any such officer is to be elected to fill a vacancy, the notice shall so state. The secretary of state shall forthwith, upon the filing in his office of the governor's proclamation ordering a special election, make and transmit to [the custodian of primary

records,] *such board of elections*, a like notice of the officers to be voted for at such special election in such county or city or any part thereof, and cause such proclamation to be published in the newspapers published in such county having large circulation therein, at least once a week until such election shall be held.

Each [custodian of primary records shall] *board of elections* forthwith, upon the receipt of either such notice, [file and record the same in his office, and] shall cause a copy of such notice to be published once in each week, if it relates to a special election, until the election therein specified, and otherwise twice in each of the two months preceding the election, in the newspapers designated to publish election notices. [They] *Such board of elections* shall also publish, as a part of such notice, a list of all city, village and town officers who may lawfully be voted for at such election by the electors of such county or any part thereof; and the city, village and town clerks of each county shall, at least two months before each general election, make and transmit to the [custodian of primary records] *board of elections* a notice under their respective hands and official seals, stating each city, village or town officer to be voted for at such election. [They shall not publish, as a part of such notice, the text of proposed constitutional amendments or other propositions or questions included in the notice of the general election received from the secretary of state under the section nor the abstract of such proposed amendment, proposition or question, included in such notice by the secretary of state.]

§ [294]49. Notice of submission of proposed constitutional amendments or other propositions or questions. Every amendment to the constitution proposed by the legislature, unless otherwise provided by law, shall be submitted to the people for approval at the next general election, after action by the legislature in accordance with the constitution; and whenever any such proposed amendment to the constitution or other proposition, or question provided by law to be submitted to a popular vote, shall be submitted to the people for their approval, the secretary of state shall include in his notice of the general election, a copy of the text of such amendment, proposition or question, setting out all new matter in italics and inclosing in brackets all matter to be eliminated from existing law, and at the bottom of each page shall be appended the words, Explanation — Matter in italics is new; matter in brackets [] is old law to be omitted. In addition to

the text, such notice shall contain an abstract of such proposed amendment, proposition or question, prepared by said secretary with the advice of the attorney-general, concisely stating the purpose and effect thereof. If more than one such amendment, proposition or question is to be voted upon at such election, such amendments, propositions or questions respectively shall be separately and consecutively numbered. The [clerk of each county, except the clerk of any county having a commissioner or] board of elections[, the commissioner of elections of each county wherein such commissioner has been appointed and the board of elections of the city of New York] shall forthwith, upon receipt of such notice, cause printed copies thereof to be made and on the first day of registration shall cause an adequate number of such printed copies to be placed in the places designated pursuant to the provisions of this act, for the meetings for registration and distributed therein by the chairman of the board of inspectors on each day of registration to the electors applying for registration. If such amendment, proposition or question is to be submitted at a special election, the secretary of state shall, at least twenty days before the election, make and transmit to each [county clerk, except the clerk of any county having a commissioner or board of elections, the commissioner of elections of each county wherein such commissioner has been appointed, and the] board of elections [of the city of New York] a like notice. Each [county clerk and commissioner of elections aforesaid and the] board of elections [of the city of New York,] shall, forthwith upon the receipt of such notice, [file and record it in his office, and shall] cause a copy of such notice to be published once a week until the election therein specified in the newspapers designated to publish election notices, and in addition thereto on the day of registration for such special election, each [clerk of a county, except the clerk of any county having a commissioner or board of elections, the commissioner of elections of each county wherein such commissioner has been appointed and the] board of elections [of the city of New York] shall cause an adequate number of such notices to be printed and placed in the places designated for the meeting for registration for such special election, and distributed therein by the chairman of the board of inspectors to the electors applying for registration. In election districts where personal registration of electors is not required, after the last day of the registration the inspectors of election shall deliver to the town clerk all of the

printed copies of such notices remaining in their hands and the town clerk shall within five days after receipt of the same mail a copy thereof to each registered elector in such town, who has not received such copy from the inspectors. The expense thus incurred shall be a county charge and paid accordingly. The inspectors of election at the time of making up their registry list shall indicate in a suitable manner the name of each elector to whom they have delivered in person printed copies of such proposed amendment, proposition or question, and abstract.

§ [295]50. Publication of concurrent resolutions, proposing constitutional amendments and other propositions. The secretary of state shall cause each concurrent resolution of the two houses of the legislature agreeing to a proposed amendment to the constitution, which is referred to the legislature to be chosen at the next general election of senators, to be published once, three months before such election, and thereafter twice in each of the three months next preceding such election in two newspapers published in each county representing the two political parties polling the highest number of votes at the then last preceding general election and in one additional newspaper published in each county for every one hundred thousand people in such county as shown by the then last preceding federal or state enumeration. Such additional newspapers shall be selected by the secretary of state with reference to making such publication in newspapers having the largest circulation in the county in which they are published. If such resolution does not state that such proposed amendment is so referred to such legislature, the secretary of state shall publish, in connection with the publication of such concurrent resolution, a statement that such amendment is referred to the legislature to be chosen at the next general election.

The secretary of state shall cause such proposed amendment to the constitution or other proposition or question, which is by law to be submitted to the voters of the state at a general or special election, to be published for a like period before such election in newspapers selected in like manner, together with a brief statement of the law or proceedings authorizing such submission, the fact that such submission will be made and the reading form in which it is to be submitted. If such proposed amendment or other proposition or question is to be submitted at a special election, to be held less than three months from the time of appointing it, the first publication in each newspaper shall be made as

soon as practicable after such appointment, and shall continue once in each week to the time of the election.

§ [129]51. Certification of nominations by secretary of state. The secretary of state shall, twenty-one days before the election, or nine days before a special election, certify to the board of elections of each county, and to the board of elections of the city of New York, the name, residence and place of business, if any, of each candidate either nominated in any certificate so filed with him, or to whom he has issued a certificate, for whom the voters of any such county or said city, respectively, may vote, the title of the office for which he is nominated, the party or other political name specified in such certificate, and the emblem or device chosen to represent and distinguish the candidates of the political party or independent body making such nominations.

§ [182]52. [Delivery of blank books for registration and enrollment; certificates and instructions] *Delivery by secretary of state of registers and stationery for registration and enrollment.* [The secretary of state shall purchase whenever he deems it desirable, for the best interests of the state, a suitable number of blank books, for registration and enrollment of voters, and known as registers, in the forms respectively provided in sections one hundred and fifty-five and one hundred and fifty-six, with blank certificates and declarations described in sections twelve, thirteen, one hundred and seventy-six, and one hundred and seventy-seven, and brief instructions for registering and enrolling the names of voters, and for recording the vote in registers for use outside of a city of one million inhabitants, attached to such books, at least four of such books, with the attached blanks and instructions, for each board of inspectors in the state, and such number of extra copies thereof as in his judgment may be necessary for each county or city to replace lost or damaged registers before delivery to the inspectors. Such register of voters shall have the leaves thereof indexed with the letters of the alphabet, beginning with the letter "A" for the first leaf, and so on.] At least twenty days prior to the first day of registration for a general election in each year, the secretary of state shall transmit a sufficient number of [such] registers as required by this act and the requisite amount of such other stationery required to administer this act, with respect to the registration and enrollment of voters with printed instructions with regard thereto, [certificates, declarations and instructions] to

the board of elections of each county, and to the board of elections of the city of New York located in the borough of Manhattan, and to the chief clerk of the branch office of the board of elections in each other borough within the city of New York, for the use of each board of inspectors within such counties and boroughs, respectively. The board of elections of each county, outside the city of New York, shall deliver such books *and stationery* to the town clerks of each town and to the city clerk of each city in the county, by mail or otherwise, at least five days prior to the first day of registration, and such town clerks and city clerks, and the said board of elections and chief clerks of branch offices of the board of elections in the city of New York, shall deliver such books to the inspectors of said towns, cities and boroughs, respectively, before the hour set for registering the names of voters on the first day of registration. [On each day of registration the board of elections of the city of New York and of each county shall furnish to each board of inspectors in each such county or city, respectively, the blanks for the list of voters provided for in section one hundred and fifty-seven of this article. Such blanks shall be distributed in time and manner as above provided for the distribution of registers.]

§ 330. Official ballots for elections. Official ballots shall be provided at public expense at each polling place for every election at which public officers are to be elected directly by the people, except an election for school district officers or school officers of a city or village in which no other public officer is to be elected, and except an election of officers of a fire district outside of cities and incorporated villages, at which excepted elections any form of ballot which may be adopted and used by the meeting at which such election shall be had shall be legal.]

§ [320]53. Delivery of election laws to clerks, boards and election officers. The secretary of state shall at least sixty days before each general election [cause to be] prepare[d] a compilation of the election law with explanatory notes and instructions, properly indexed, and procure the same to be printed by the legislative printer, and transmit to the board of elections of each county, and to the board of elections of the city of New York, located in the borough of Manhattan, and to the branch office of the board of elections in each of the other boroughs of the city of New York, a sufficient number of copies thereof to furnish one such copy to each member of each such board and to

each of said branch offices of the board of elections of the city of New York and one to each county, town, village and city clerk and *shall likewise prepare and procure to be printed and to transmit a compilation of articles six and seven of this chapter and such other articles as he may deem necessary, such compilation to be delivered* to each election officer in any such county and said boroughs together with such number of extra copies as may in his judgment be necessary to replace copies lost or mutilated before delivery thereof to election officers.

The board of elections [of each county except those counties the whole of which is included within the city of New York,] shall forthwith transmit one of such copies to each of such officers [in such county, and the board of elections of the city of New York shall cause to be delivered one of such copies to each of such officers in the city of New York]. Each copy so received by each such officer shall belong to the office of the person receiving it. Every incumbent of the office shall preserve such copy during his term of office and upon the expiration of his term or removal from office deliver it to his successor. The secretary of state shall also transmit to the state superintendent of elections a sufficient number of such copies to furnish fifty copies to the superintendent and two copies to each deputy.

§ [301]54. Publication of list of registration and polling places. The [officers authorized to designate the registration and polling places in any city,] *board of elections* shall cause to be published in two newspapers within [such city] *each county*, except in the city of New York where said list shall be printed in four papers in each county, a list of [such places so designated] *registration and polling places designated by said board within such county*, and the boundaries of each election district in which such registration and polling place is located. Such a list shall also be filed by such officers with the state superintendent of elections at least five days prior to the first day of registration. Such publication shall be made in the newspapers so selected upon each day of registration and the day of election, except that if such newspaper be an evening newspaper it shall be made on the day prior to each of such days. One of such newspapers so selected shall be one which supports the candidates nominated that year by the political party polling the highest number of votes in the state at the last preceding election for governor, and the other newspaper so desig-

nated shall be one which supports the candidates nominated that year by the political party polling the next highest number of votes for governor at said election.

【The board of elections of the city of New York shall cause to be published in two newspapers in each borough within such city a list of the registration and polling places so designated in each borough and the boundaries of each election district therein in which such registration and polling place is located and shall at the same time file said list with the state superintendent of elections; except that in the borough of Brooklyn, such publication shall be made in the newspapers designated to publish corporation notices therein and in one daily newspaper published in the Jewish language; and except also that in the borough of the Bronx such publication shall be made in four newspapers published in the borough of the Bronx; and except also that in the borough of Manhattan such publication shall be made in five daily newspapers published in the borough of Manhattan which support the candidates nominated that year by the political party polling the highest number of votes in the state at the last preceding election for governor, and also in five daily newspapers published in the borough of Manhattan which support the candidates nominated that year by the political party polling the next highest number of votes for governor at said election, one of which newspapers may be a daily newspaper published in the German language and two of which newspapers may be daily newspapers published in the Jewish language, which publication shall include the list of such registration and polling places and their boundaries, in the respective counties in which the newspapers are published. Such publication shall be made in such newspapers upon each day of registration and the day of election excepting if such newspaper be an evening newspaper it shall be made on the day prior to each of such days or if such day be Sunday, on the preceding Saturday. Such publications shall be made in newspapers published in such boroughs which shall respectively support the candidates nominated that year by the political parties which at the last preceding election for governor respectively cast the largest and next largest number of votes in the state for such office.】

The said board shall also cause to be published in the City Record on or before the first day of registration in each year a complete list of all the registration and polling places so designated and the boundaries of the election districts in which such

places are located arranged in numerical order under the designation of the respective boroughs in which they are located.

In selecting the newspapers in which such publications are to be made the said board shall *select newspapers having a large circulation and* keep in view the object of giving the widest publicity thereto.

§ 301-a. Publication of list of registration and polling places in certain towns. The town board in any town in a county having a population of more than three hundred thousand according to the last federal or state census or enumeration, adjoining a city of the first class having a population of one million and upwards, may cause to be published in such a newspaper, or newspapers, as the town board may designate, a list of the places of registration within such town with a statement of the days and hours of registration, together with a brief description of the boundaries of each election district in which such registration is had, and such publication shall be made within one week next preceding the first day of registration and one the same day of the succeeding week. Such town board may also cause to be published in such a newspaper, or newspapers, as it may designate, an election notice which shall include a list of the polling places, the date and hours of election and at the discretion of such town board a brief description of the boundaries of each election district and such publication shall be made on the publication day immediately preceding such election day. The amount to be paid for any of such publications shall be at the rate per folio of seventy-five cents for the first insertion and fifty cents for each subsequent insertion, and if any such publications are printed in type larger than agate, the amount to be paid for making such publication shall not exceed the amount that would be paid if such publication had been set in agate thirty ems to the line, and in no publication, however, shall any type smaller than agate be used. The amount to be paid for all such publications shall be a town charge.]

§ [131]55. Lists for town and village clerks [and aldermen]. The board of elections of each county, except the counties which are wholly within the city of New York, shall at least six days before a *general or special* election day send to *each town and village clerk* [the town clerk of each town and to an alderman of each ward in any city in the county,] at least five and not more than ten printed lists for each election district in such town or [ward] *village*, containing the name and residence, and if in a city, the street number of

residence, and place of business, if any, of all candidates whose certificates of nomination have been filed with or issued by it or been certified to it, and the party or other designation, and also a facsimile of the emblem or device of each political party or independent body nominating candidates to be voted for by the voters of the respective towns and [wards] villages. Such lists shall at least three days before the day of election be conspicuously posted by such town or village clerk [or alderman] in one or more public places in each election district of such town or [ward] village, one of which lists shall be so posted at each polling place.

[§ 132. Posting town and village nominations. Each town and village clerk shall cause at least ten copies of a like list of all nominations to office filed with him for an election to be held at a time other than the day of the general election, to be conspicuously posted in ten public places in the town or village, at least one day before the town meeting or village election, one of which copies shall be so posted at each polling place of such town meeting or village election.]

§ [130]56. Publication of nominations. At least six days before an election [to fill any public office] the board of elections [of each county, except those counties which are wholly within the city of New York,] shall cause to be published in not less than two or more than four newspapers *published as provided in section fifty-four of this act* [within such county, one of which shall be a daily newspaper, if a daily newspaper is published in such county, and in any county having one hundred thousand or more inhabitants, adjoining a city having a population of one million or more, in not less than six nor more than ten newspapers,] a list of all nominations of candidates for offices other than town offices to be filled at such election, certified to such board by the secretary of state, or filed with such board or certified by such board. [The board of elections of the city of New York shall, within the same time before an election to fill any public office, cause to be published in two newspapers published in each borough within such city a list of the nominations of candidates for office to be voted for at such election in such boroughs respectively which were certified to such board by the secretary of state, or filed in the office of such board, or certified by such board and in the borough of Brooklyn the board of elections shall cause such publication to be made in the newspapers designated as corporation newspapers of said borough and in one daily newspaper published in the Jewish language.]

Such publication shall contain the name and residence, and if a city, the street number of the residence and place of business, if any, and the party or other designation of each candidate, and *for a general or special election*, a facsimile of the emblems or devices selected and designated as prescribed by this article, to represent and distinguish the candidates of the several political parties or independent bodies. [The city clerk of each city except New York and the boards of elections of the city of New York, shall at least six days before an election of city officers thereof, held at a different time from a general election, cause like publications to be made as to candidates for offices to be filled at such city election in a like number of newspapers published in such city.

One of such publications shall be made in a newspaper which advocates the principles of the political party that at the last preceding election for governor cast the largest number of votes in the state for such office; and another of such publications shall be made in a newspaper which advocates the principles of the political party that at the last preceding election for governor cast the next largest number of votes in the state for such office. The officer or board, in selecting the papers for such publications, shall select those which, according to the best information he can obtain, have a large circulation within such county or city. In making additional publications, the officer or board shall keep in view the object of giving information, so far as possible, to the voters of all political parties.] The [officer or] board shall make such publication twice in each newspaper so selected in a county or city in which daily newspapers are published; but if there be no daily newspaper published within the county, one publication only shall be made in each of such newspapers. Should the board of elections [or other officer] find it impracticable to make the publication six days before election day in counties where no daily newspaper is printed, [he] it shall make the same at the earliest possible day thereafter, and before the election.

§ 57. *Order of names upon ballot.* The officer or board with whom certificates of designation or nomination are filed shall determine, upon at least two days' notice by mail to all candidates affected, the order in which the names of such candidates shall appear under the title of an office upon the ballot, when such order is not otherwise determined by this act.

§ [341]58. [Officers providing ballots and stationery.] *Furnishing of ballots and stationery for elections.* The [county clerks in each of the counties of Oneida and Broome, the commissioner of elections in any county having one commissioner of elections, the] board of elections [in every other county except a county within the city of New York, and in any such county the board of elections of such city,] shall provide the requisite number of official [and sample] ballots, [cards of instruction, two poll books, distance markers, two tally sheets of each kind, three return blanks of each kind, pens, penholders, red and black ink, pencils having black lead, blotting paper, sealing wax] and [such other] articles of stationery [as may be] necessary for the proper conduct of [the] *each primary general and special* election and the canvass of the voters, for each election district in the county, for each election to be held thereat, except that when town meetings, city or village elections and elections for school officers are not held at the same time as a general election, the clerk of such town, city or village, respectively, shall provide 'such official and sample ballots and stationery for such election or town meeting. If the town meeting is held on general election day ballots and sample ballots for town propositions and official and sample general ballots on which town officers only are to be voted for shall be provided by the town clerk in like manner and in the same form as at a town meeting held at any other time, and such town clerk shall also furnish return blanks for making returns on town propositions or questions and for making returns of votes cast for candidates for town officers at such an election, and the expense of furnishing such ballots, sample ballots and return blanks shall be a town charge. [And the board of elections of the city of New York shall provide such articles for each election to be held in said city.]

[§ 3. The board of elections in each of the counties of Oneida and Broome is hereby abolished, and the terms of office of the members of any such board shall expire, and the powers, duties, officers and employment of such members and of the subordinates of such board shall cease and determine when this act takes effect. This act shall not affect any pending matter pertaining to the powers and duties of the board of elections of either of such counties under the election law, nor affect the running of time with respect to any matter or proceeding provided for in such law. Any such pending matter shall be continued and disposed of by the county clerk of the proper county.]

§ [300]59. Equipment of polling places. The [officers authorized to designate such places in any town or city] *board of elections* shall provide for each polling place at [such] *any* election, the necessary ballot and other boxes, guard-rails, voting booths and supplies therein, and the other furniture of such polling place, necessary for the lawful conduct of each election thereat, shall preserve the same when not in use, and shall deliver all such ballot and other boxes for each polling place, with the keys thereof, to the inspectors of each election district at least one-half hour before the opening of the polls at each election.

§ [340]60. Number of official ballots. The number of official ballots of each kind to be provided for each polling place for each election to be held thereat, [except a village election held at a different time from a general election,] shall be one and one-fourth times as many ballots as near as may be as there [were] *are* names of voters on the register of voters of such district *entitled to vote such ballots*. [for such election at the close of the final regular meeting for such registration. In cities of the first class the officer or board charged with the duty of furnishing official ballots shall furnish one and one-fourth times as many official ballots of each kind to be provided for such election as there are voters entitled to vote thereat, as nearly as can be estimated by such officer or board. The number of official ballots of each kind to be provided for each polling place for a town meeting held at any time or a village or city election held at a different time from a general election, shall be one and one-fourth times the number of persons who will be entitled to vote thereat, as nearly as can be estimated by the officer charged with the duty of providing such ballots.]

§ [342]61. Public inspection of ballots. Each officer or board charged with the duty of providing official ballots for any polling place, shall have sample ballots and official ballots provided, and in the possession of such officer or board, and open to public inspection as follows: The sample ballots five days before the election, and the official ballots four days before the election for which they are prepared, unless prepared for a village election or town meeting held at a different time from a general election, in which case the official ballots shall be so printed and in possession at least one day, and the sample ballots at least two days, before such election or town meeting. During the times within which the same are open for inspection as aforesaid, it shall be the duty of the officer or board charged by law with the duty

of preparing the same, to deliver a sample ballot of the kind to be voted in his district to each qualified elector who shall apply therefor, so that each elector who may desire the same may obtain a sample ballot similar, except as regards color and the number on the stub, to the official ballot to be voted at the polling place at which he is entitled to vote.

§ [345]62. Unofficial ballots. If the official ballots required to be furnished to any town or city clerk, or board, shall not be delivered at the time required, or if after delivery shall be lost, destroyed or stolen, the clerk of such town or city, or such board, shall cause other ballots to be prepared as nearly in the form of the official ballots as practicable, but without the indorsement, and [upon the receipt of] shall *deliver the* ballots so prepared [from such clerk or board,] accompanied by a statement under oath that the same have been so prepared and furnished by him or them, and that the official ballots have not been so delivered, or have been so lost, destroyed or stolen, *to the* inspectors of election [shall cause the ballots so substituted] to be used at the election in the same manner, as near as may be, as the official ballots. Such ballots so substituted shall be known as unofficial ballots.

§ [333]63. Sample ballots, instruction cards and stationery. Sample ballots of each kind equal in number to ten per centum of the number of official ballots provided therefor, shall also be provided for every polling place for which official ballots are required to be provided. Such sample ballots shall be printed on paper of a different color from any of the official ballots and without numbers on the stubs, but shall, in all other respects, be precisely similar to the official ballots to be voted at that polling place. [One of each kind of such sample ballots shall, at any time on the day of election, be furnished upon application to any voter entitled to vote at that polling place, and may be taken by him away from such polling place before receiving his official ballot or ballots.]

Two instruction cards, [printed in English and two printed in each of such other language as the officer or officers charged with providing them shall deem necessary,] shall also be provided for each such polling place, containing in clear large type, in red ink, brief but clear instructions to voters as to the manner of voting, and, in smaller type, a copy of such sections of the penal law relating to crimes against the elective franchise as the board

of elections shall select. Two sets of the sample ballots shall also be mounted on cards and displayed conspicuously at each polling place. The sample ballots so mounted shall not be defaced and shall be kept free from marks of any kind. There shall also be provided [two poll books,] a suitable number of markers, designated as "distance markers," to indicate the distance of one hundred feet from the polling place, a sufficient supply of all blanks and forms which are needed by the election officers, heavy manila envelopes for returns and excess ballots, labels, sealing wax, pencils having black lead only, pens, penholders, blotting paper and red and black ink. All such articles herein enumerated are hereby designated as "stationery."

§ [343]64. Distribution of ballots and stationery. The board of elections of each county, except those counties which are wholly within the city of New York, shall deliver at its office to each town or city clerk in such county, except in New York city and in the city of Buffalo, on the Saturday before the election for which they are required, the official and sample ballots, cards of instruction and other stationery required to be provided for each polling place in such town or city for such election. It is hereby made the duty of each such town or city clerk to call at the office of such board of elections at such time and receive such ballots and stationery. In the cities of New York and Buffalo the board [or officer] required to provide such ballots and stationery shall cause them to be delivered to the board of inspectors of each election district at least one-half hour before the opening of the polls on each day of election. Each kind of official ballots shall be arranged in a package in the consecutive order of the numbers printed on the stubs thereof, beginning with number one. All official and sample ballots provided for such election shall be in separate sealed packages, clearly marked on the outside thereof with the number and kind of ballots contained therein and indorsed with the designation of the election district for which they were prepared. The instruction cards and other stationery provided for each election district shall also be inclosed in a sealed package or packages, with a label on the outside thereof showing the contents of each such package. Each such town and city clerk receiving such packages shall cause all such packages so received and marked for any election district to be delivered unopened and with the seals thereof unbroken to the inspectors of election of such election district one-half hour before the opening of the

polls of such election therein. The inspectors of election receiving such packages shall give to such town or city clerk, or board, delivering such packages a receipt therefor specifying the number and kind of packages received by them, which receipt shall be filed in the office of such clerk or board. Town, city and village clerks required to provide the same for town meetings, city and village elections held at different times from a general election, shall in like manner, deliver to the inspectors or presiding officers of the election at each polling place at which such meetings and elections are held, respectively, the official ballots, [sample ballots, instruction cards] and other stationery, required for such election or town meeting, respectively, in like sealed packages marked on the outside in like manner, and shall take and file receipts therefor in like manner in their respective offices.

§ [344]65. Errors and omissions in ballots. Upon affidavit, presented by any voter, that an error or omission has occurred in the publication of the names or description of the candidates nominated for office, or in the printing of sample or official ballots, the supreme court, or a justice thereof, may make an order requiring the board of elections or other officer or board charged with the duty in respect to which such error or omission occurs to correct such error, or show cause why such error should not be corrected. The board of elections or such other officer or board shall, upon his own motion, correct without delay any patent error in the ballots which they may discover, or which shall be brought to their attention, and which can be corrected without interfering with the timely distribution of the ballots to the inspectors for use at such election.

§ [318]66. Apportionment of election expenses. [The expense of providing polling places, voting booths, supplies therefor, guard-rails and other furniture of the polling places and distance markers, and the compensation of the election officers in each election district, shall be a charge upon the town or city in which such election district is situated, except that such expenses incurred for the purpose of conducting a village election not held at the same time as a general election shall be a charge upon the village.

The expense of printing and delivering the official ballots, sample ballots, affidavits for proof of citizenship by marriage and cards of instruction, poll books, tally sheets, return sheets for inspectors and ballot clerks, and distance markers to be used at a town meeting or city or village election not held at the same time

as a general election, and of printing the lists of nominations therefor shall be a charge upon the town, city or village in which the meeting or election is held. The expense of printing and delivering the official ballot, sample ballots, affidavits for proof of citizenship by marriage and cards of instruction, poll books if any separate from the register, tally sheets, return sheets for inspectors and ballot clerks, and distance markers to be used in any county, except such counties or portions thereof as are included within the city of New York, at any other election, if no town meeting or city or village election be held at the same time therewith, and of printing the lists of nominations therefor, shall be a charge upon such county.] *The expenses of boards of elections in respect of a* [expense of printing and delivering the official ballots, sample ballots, affidavits for proof of citizenship by marriage and cards of instruction, poll books if any separate from the register, tally sheets, return sheets for inspectors and ballot clerks, and distance markers to be used in any such county at any other election, and of printing the lists of nominations therefor, if the] town meeting or city or village election be held in [such] a county at the same time therewith, shall be apportioned by the [county clerk] *board of elections* between such town, city or village and such county, in the proportion of the number of candidates for town, city or village officers on such ballots, respectively, to the whole number of candidates thereon, and the amount of such expense so apportioned to each such municipality shall be a charge thereon.

Whenever voting machines are used in an election by any city, town or village, only such expenses as are caused by the use of such machines, and such as are necessary for the proper conduct of the elections as required by this chapter shall be charged to such city, town or village.

The expenses of the board of elections of the city of New York are a city charge and except as above provided the expenses of other boards of election are a county charge.

[All expenses relating to or connected with elections lawfully incurred by the board of elections of the city of New York shall be a charge on such city, and after being audited by the proper officer, shall be paid by the comptroller of said city upon the certificate of such board.]

[§ 334. Blank forms for election officers. 1. General provisions. At each election at which official ballots shall be used

the officers charged with the duty of furnishing official ballots shall furnish to the board of inspectors of each election district printed blanks upon which the election officers shall make written returns showing the performance of their duties as such officers. These blanks shall include blanks for a return by the ballot clerks, tally sheets for tallying the votes as canvassed, and blanks for a return by the inspectors of the vote as tallied. There shall be furnished for each election district three copies of each of the return sheet blanks and two copies of each of the tally sheet blanks required at that election district and no more. Each blank shall have at the top in large letters a descriptive title according to the nature of the blank. It shall also contain immediately under the title a heading, showing the kind of election, whether special or general, the date, the name of the county, and the number of the assembly district and of the election district in which it is to be used. The other printed matter to appear on the several blanks shall be as hereinafter provided.

2. Forms of returns and tally sheets. The return blanks and tally sheet blanks shall be as nearly as possible in the forms hereinafter provided, and all returns and tally sheets must be kept and filled out according to the forms so provided and in accordance with the instructions contained therein.

In printing the forms, the matter in brackets, [.....] being instructions to the printers, is to be omitted. The printer shall also omit the names and figures which are inserted in the forms for the purpose of illustration.

A separate tally sheet shall be provided for each office or constitutional amendment or question submitted for which votes are to be canvassed.

3. Penalty for refusal to fill out returns and tally sheets. Any election officer who shall willfully neglect or refuse to fill out any return or tally sheet according to the directions of this chapter shall be guilty of a misdemeanor.]

§ [319]67. Fees of election officers and others. 1. The county clerk of each county, not salaried, shall be paid by such county a reasonable compensation for his services, if any, in carrying out the provisions of this chapter, to be fixed by the board of supervisors of the county, or the board acting as such board of supervisors. The town clerk of each town shall be paid by such town a reasonable compensation for his services in carrying out the provisions of this chapter, to be fixed by the other members of the

town board of the town. [General clerks shall receive, for all services as ballot clerks and poll clerks in connection with an election, the same compensation as inspectors of election for the election and be paid in like manner. Inspectors designated and acting as poll clerks during the taking of the vote and preparation for canvass shall receive only the compensation prescribed by law for inspectors.] *Inspectors of election in counties other than in the city of New York shall receive compensation not to exceed six dollars a day, to be fixed by the board of supervisors.* An inspector of election, however, lawfully required to file papers in the county clerk's office, or office of the board [or commissioner] of elections, shall, unless he resides in the [county if within the city of New York, or in any other] city or town in which such office is situated, be entitled to receive as compensation therefor five dollars, and also four cents a mile for every mile actually and necessarily traveled between his residence and such county clerk's office in going to and returning from such office.

2. In [cities of the first class having a population of two million or more inhabitants the persons appointed and serving as] *the city of New York* inspectors of election shall receive *eight dollars for a primary election*, four dollars for the hours fixed by law for each day of registration from Monday to Friday inclusive, and ten dollars for such hours on the last day of registration [and on the day of revision of registration for a special election] and eight dollars for the hours fixed by law for [the] *a general election, and for a special election* [and six]. *Canvassing inspectors shall receive ten dollars for the count and return of the votes at a general election.* [The poll clerks in such city, other than canvassing inspectors acting as poll clerks, shall each receive for their services ten dollars, and the ballot clerks shall receive six dollars each. Inspectors acting as poll clerks during the count and return of the votes shall receive only the compensation above provided for such services as inspectors. Such officers shall be paid by the comptrollers of the respective cities upon the certificate of the board or officer appointing them.]

3. Election officers required to meet at a different time from the regular count of the votes cast at a general election for the purpose of counting and returning the votes of electors absent from their election districts in time of war in the actual military

or naval service of this state or of the United States shall be paid five dollars each.

§ [201]68. Disposition of registers and unused ballots. The board of elections of the city of New York is hereby authorized and directed, not less than two years after each election, to sell or destroy all registers of voters in the possession of such board; provided, that the signature copy of such register of voters for each election district shall be excepted and preserved by such board from such sale or destruction. The board of elections is also authorized to sell to the highest bidder the unused ballots furnished for the last preceding election, but such unused ballots shall not be sold until at least six months after the election for which they were provided. All moneys realized by sales under this section shall be paid over to the proper fiscal officer of the city of New York to the credit of the account of the board of elections.

ARTICLE 4.

STATE SUPERINTENDENT OF ELECTIONS.

Section 70. State superintendent of elections, chief deputy and assistants.

71. *Powers of superintendent, clerks and deputies.*

72. *Additional deputies.*

73. *Control and powers of deputies; refusal to furnish information.*

74. *Aid by private persons and public officers.*

75. *Subpoenas by state superintendent.*

76. *Administration of oaths by superintendent and deputies.*

77. *Attendance and duties at polling places.*

78. *Reports by lodging-house and hotel keepers.*

79. *List to be furnished if required by the superintendent of elections.*

80. *Preparation of challenge lists.*

81. *Salaries and expenses.*

82. *Report to governor.*

§ [471]70. State superintendent of elections, chief deputy and assistants. There shall be an officer to be known as [“]state superintendent of elections.[”] The governor shall appoint such superintendent of elections by and with the advice and consent of the senate, who shall hold office for the full

term of four years. Such term shall begin on the first day of January in every fourth year beginning with the year nineteen hundred and fifteen and shall expire on the thirty-first day of December. Vacancies shall be filled for the remainder of the unexpired term. Such superintendent may be removed from office in the same manner as a sheriff. He may appoint one chief deputy without nomination, a secretary and necessary clerks, stenographers and other employees, and remove them at pleasure.

§ **[472]**71. Powers of superintendent, clerks and deputies. Such state superintendent of elections and the deputies appointed by him, shall possess and exercise all the powers vested in a sheriff, as a conservator of the peace, either by statute or common law. The chief deputy shall be placed in charge of the branch office in the city of New York. Any clerks, appointed by the state superintendent of elections pursuant to the provisions of this article, shall have power, when directed by the state superintendent of elections, to administer oaths and affirmations required by law or by any order, rule or regulation of the state superintendent of elections, for or in connection with the appointment and qualification of deputy superintendents of elections appointed pursuant to the provisions of this article.

§ **[474]**72. Additional deputies. The superintendent, whenever he deems it necessary, may appoint, in addition to the chief deputy, without nomination, and at pleasure remove, not more than two hundred and thirty-three other deputies, to be employed by him in enforcing the provisions of this article.

§ **[475]**73. Control and powers of deputies; refusal to furnish information. All deputies appointed under this article shall be subject to the direction and control of the state superintendent and he may, subject to the next provision, assign them to any election district. He must, however, assign to duty in the city of New York seventy of the deputies receiving annual salaries and eighty-seven deputies receiving per diem compensation. The state superintendent shall make such rules for the control and conduct of his deputies as he may deem advisable, not in conflict with law.

Such deputies, when directed by the state superintendent, shall, on their own motion, or on complaint of any citizen of the state, may:

1. Investigate all questions relating to registration of voters, and for that purpose shall have power to visit and inspect any house, dwelling, building, inn, lodging-house or hotel and interro-

gate any inmate, house-dweller, keeper, care-taker, owner, proprietor or landlord thereof or therein, as to any person or persons residing or claiming to reside therein or thereat.

2. Arrest any person without warrant who in his presence violates or attempts to violate any of the provisions of this chapter or the penal law relating to crimes against the elective franchise.

3. Execute warrants of arrest and take into custody the person or persons named in such process.

4. Inspect and copy any books, records, papers or documents relating to or affecting the election or the registration of voters.

5. Require every lodging-house keeper, landlord or proprietor to exhibit his register of lodgers therein at any time to such deputy.

【Any person who neglects or refuses to furnish any information required or authorized by this article, or to exhibit records, papers, or documents herein authorized to be inspected, or which are required to be exhibited, shall be guilty of a misdemeanor.】

§ **[476]**74. Aid by private persons and public officers. The state superintendent, or any deputy, may call on any person to assist them in the performance of their duty; and they may also call on any public officer who by himself or his assistants, deputies or subordinates shall render such assistance as may be required. 【Any such person, public officer, deputy or subordinate who shall fail, on demand of the superintendent or any deputy, to render such aid and assistance in the performance of his duty as he shall demand, or who shall wilfully hinder or delay, or attempt to hinder or delay such superintendent or deputy, in the performance of his duty, shall be guilty of a felony and shall upon conviction thereof be sentenced to imprisonment in a state prison for a period of not more than three years; and if a public officer, shall, in addition to such imprisonment, forfeit his office.】 A member of a uniformed police force and every sheriff, deputy sheriff and election officer shall, for the purpose of this article, be deemed a public officer. The state superintendent of elections may require any county, city, town or village clerk or registrar of vital statistics to make a search in his office for any record, document or paper, when the superintendent deems it necessary for the discharge of his official duty, and to furnish a copy thereof or extracts therefrom, officially certified, without the payment of any fee or charge for any of such services.

§ **[477]**75. Subpoenas by state superintendent. The state superintendent shall have power to issue subpoenas for the pur-

pose of investigating any matter within his jurisdiction and of aiding him in enforcing the provisions of this article, such subpoenas to be issued in the name of the state superintendent. He may in proper cases issue subpoenas duces tecum. A subpoena issued by the state superintendent of elections may be served by the superintendent or by any deputy appointed by him or by any police or peace officer.

【Any person who shall omit, neglect or refuse to obey a subpoena attested in the name of the state superintendent and made returnable at one of the offices or branch offices of the superintendent, or who shall refuse to testify under oath before him or his chief deputy, or other deputy duly designated by the superintendent pursuant to the provisions of this article, is guilty of a misdemeanor.】

§ [478]76. Administration of oaths by superintendent and deputies. The superintendent, his chief deputy and any of the deputies duly designated by the superintendent for that purpose, under his hand and seal of office, are hereby authorized and empowered to administer oaths and affirmations 【in the usual appropriate forms,】 to any person in any matter or proceedings authorized as aforesaid, and in all matters pertaining or relating to the elective franchise 【and to take and administer oaths and affirmations in the usual appropriate forms, in taking any affidavit or deposition which may be necessary or required by law or by any order, rule or regulations of the superintendent for or in connection with the official purposes, affairs, powers, duties or proceedings of said superintendent or deputies or any official purpose lawfully authorized by said superintendent】.

【Any person who shall make any false statement under oath before the state superintendent, his deputy, or other deputy authorized to take oaths, as herein provided, is guilty of a felony.】

§ [479]77. Attendance and duties at polling places. The state superintendent may attend at any *primary or general or special* election, and each deputy shall, on election day, attend the election at the polling place to which he is assigned. The state superintendent and each deputy shall be admitted at any time within any polling place and within the guard-rails thereof. It shall be the duty of the superintendent and of each deputy during the election to preserve order and arrest any person violating or attempting to violate this chapter or any provision of the penal law relating to the elective franchise.

§ [480]78. Reports by lodging-house and hotel keepers. It shall be the duty of every landlord, proprietor, lessee or keeper of a lodging-house, inn or hotel, to keep a register in which shall be entered the name and residence, the date of arrival and departure of his guests and the room, rooms or bed occupied by them. The register shall be so arranged that there shall be a space on the same line in which each guest or lodger shall sign his name, and such landlord, proprietor, lessee or keeper shall make a sworn report to the said superintendent of elections twenty-nine days before the election next ensuing, upon a blank to be prepared and furnished by such superintendent, which report shall contain a detailed description of the premises so used and occupied as a lodging-house, inn or hotel, including the size and character of the building, and in case only part of a building is so used, and also if there be more than one building on the premises, which particular building is so used, and the names of the lodgers therein and all employees and all other persons living therein including the landlord, proprietor, lessee or keeper and members of his family, who claim a voting residence at or in such lodging-house, inn or hotel, together with the length of time they have been regularly lodging or living therein, the beginning of such residence, the color, age, height, weight, color of hair, marks on face or hands, the complexion and any distinguishing marks or features of face or body whereby such person may be identified, the place of their nativity, the occupation and place of business of such persons and the room occupied by each such person, and whether such person is a guest, landlord, proprietor, lessee or keeper, and the signature of each such person. Above the space reserved for the signature of each such person shall be printed the following words "the foregoing statements are true." In the form of affidavit which shall be sworn to by the landlord, proprietor, lessee or keeper of such lodging-house, inn or hotel, shall be included the statement that the signatures of the guests or lodgers certified to in said report, were written in the presence of such landlord, proprietor, lessee or keeper, and that he personally knows them to be the persons therein described.

To the end that the sworn report herein required shall truly set forth the facts therein stated, it shall be the duty of the said landlord, proprietor, lessee or keeper to question each person lodging or living in such lodging-house, inn or hotel as to his intention of claiming such place as a voting residence, and such person shall thereupon declare his intention thereof, and if he

shall claim such place as his voting residence he shall give to such landlord, proprietor, lessee or keeper such facts regarding himself as are required to be incorporated in the sworn report herein provided for. *The report shall be filed by such landlord, proprietor, lessee or keeper with said superintendent of elections at such office as the superintendent may designate or sent by registered mail to such office.*

Any such landlord, proprietor, lessee or keeper of any lodger who shall violate this provision shall be guilty of a misdemeanor.]

§ 481. Affidavits by hotel keepers holding liquor licenses. If any person, other than the keeper or members of his family, shall claim a voting residence in a building or part of the building used as a hotel, within three months of a general election, in which building or part of the building the business of traffick-ing in liquors is conducted under a liquor tax certificate issued under subdivision one of section eight of the liquor tax law, the holder of such certificate shall furnish to the state superintendent of elections, whenever the superintendent shall require him so to do, an affidavit properly acknowledged and signed before a notary public, in which the holder of such certificate shall state whether he and such building have conformed to and at the time of making the affidavit do conform to all the requirements of the laws, ordinances, rules and regulations relating to hotels and hotel keepers, including all laws, ordinances, rules and regulations of the state or locality pertaining to the building, fire and health departments in relation to hotels and hotel keepers and that such building is or was within three months of the said election used as a hotel. If for any reason the said building or part of the building used as a hotel shall be devoted to other than hotel purposes within three months of said election the holder of such liquor tax certificate shall state in such affidavit for what purpose such building or part thereof formerly used for hotel purposes is then used, and, if the same has been sublet to any person, he shall so state, giving the terms of said lease, and the name of the lessee.

Any holder of a liquor tax certificate required to make such affidavit by the said superintendent who shall refuse, fail or neglect to make and file the same forthwith with the superintendent is guilty of a misdemeanor. Any holder of a liquor tax certificate who shall incorporate any false statement in any sworn report or affidavit to the superintendent of elections is guilty of perjury and in addition to suffering the penalty prescribed by law for such

crime shall forfeit his liquor tax certificate and shall be deprived of all rights and privileges thereunder and of any right to a rebate of any portion of the tax paid thereon, and shall be debarred from trafficking in liquors for a period of five years from the date of his conviction.】

【§ 482. Filing such report and affidavits. Any report or affidavit required by the two preceding sections shall be acknowledged and sworn to before a notary public, commissioner of deeds, or justice of the peace, and shall be filed personally by such landlord, proprietor, lessee or keeper or by registered mail with the said superintendent of elections at such office as he may designate.】

【§ 483. Reports by police and certain departments. Whenever the state superintendent of elections shall require, it shall be the duty of the chief of police and the respective heads of the departments of buildings, fire and health to forthwith make a report in writing to the superintendent of elections of every building or part of a building in such city in which the business of trafficking in liquors is conducted under a liquor tax certificate issued under subdivision one of section eight of the liquor tax law, showing the location thereof by street and number, election district and assembly district or ward, the character of such business, as declared by the holder of the certificate, specifying whether it be a hotel, restaurant, saloon, store, shop, booth or other place and the name of the holder of such certificate, and if the place be a hotel the report shall state whether or not the building and holder of the certificate conform to all the laws, ordinances, rules and regulations of the state or locality including the laws, ordinances, rules and regulations of the building, fire and health departments in relation to hotels and hotel keepers.】

§ 【484】79. List to be furnished if required by the superintendent of elections. The superintendent of elections shall 【also】 have the right throughout the year whenever deemed necessary by him to require the owner or lessee of any hotel, or inn, containing less than fifty rooms and every lodging-house or dwelling to make to the superintendent within ten days after notification, a sworn report upon a blank to be prepared and furnished by said superintendent, which said report shall contain a list giving the name of every person of twenty-one years of age and upwards, who resides in said hotel, inn, lodging-house and dwelling, together with the period that they have resided therein, and such other information as may be deemed necessary

by said superintendent, and said superintendent shall have the power whenever deemed necessary by him to require said owner or said lessee in addition to notify said superintendent whenever any of said persons shall within twenty-nine days before election leave said hotel, inn, lodging-house and dwelling. Said superintendent shall have the power to require said list to be made by the owner if said owner is in possession. If said owner is not in possession said superintendent shall have the power to require said owner to furnish the name of the lessee and lessees of said building and said superintendent shall then have the power to require said list of said lessee and lessees. In the event that said building is occupied in part by said owner and in part by a lessee or lessees the said superintendent shall then have the power to compel the owner to furnish the said list for the part occupied by him, and the names of the lessee or lessees who lease the remaining part of said building, and said superintendent may require said lists from said lessee or lessees. [In the event of the neglect of the owner or lessee to furnish said list when demanded by said superintendent of elections, said owner or lessee shall be guilty of a misdemeanor punishable by a fine of two hundred and fifty dollars, and in case of a second conviction shall be punishable by a fine of five hundred dollars and imprisonment.] If the owner or lessee furnishes to said superintendent a *false* list [which states that a person has resided in said premises for a longer period than he has actually resided therein, or if said person puts upon said list a name under which no person has resided any length of time in said premises,] said owner or lessee shall be [guilty of a felony and in addition] liable to a penalty of one thousand dollars, [which said penalty shall be a lien upon the house and the lot upon which the house is situated. If the lessee furnishes a false list then the said lessee shall be liable to a penalty of one thousand dollars, which said penalty, in addition to being satisfied out of any goods or chattels of the lessee, shall be a lien upon the leasehold, and shall entitle said leasehold to be sold to satisfy said penalty subject to the rights of the landlord. Every penalty imposed herein upon a house or leasehold shall be a lien upon the house and lot or leasehold in relation to which the penalty is imposed from the time of filing of a certified copy of the judgment in the office of the clerk of the county in which said house and lot or leasehold is situated, subject only to taxes, assessments, water rents and to such mortgages and mechanics' liens as may exist thereon prior

to such filing, and it shall be the duty of the prosecuting officer upon the entry of said judgment to forthwith file the copy as aforesaid in the office of the clerk of the county and said copy upon said filing shall be forthwith indexed by the clerk in the index of mechanics' liens.】 A 【*lis pendens*】 notice of pendency of action may be filed in the office of the clerk of the county in which the realty or leasehold is situated [at the time of the commencement of the proceedings under this section.] and shall have the same effect as such a notice duly filed under the code of civil procedure.

§ 80. *Preparation of challenge lists.* The state superintendent of elections shall prepare for each election district in the city of New York a challenge list containing the names, alphabetically arranged and addresses of all persons who by reason of death, removal, conviction or otherwise have lost the right to register from the addresses from which they registered at the last preceding election, which list shall contain a column headed "remarks," and such challenge lists shall be delivered to the respective boards of inspectors at least one-half hour before the commencement of registration.

After the last day of registration and before election day in each year the state superintendent of elections shall also prepare a challenge list containing the names, alphabetically arranged, and addresses of the persons registered in such district during said last preceding period of registration whom he shall have reason to believe from investigation or otherwise not to be entitled to vote at such election which list shall contain a column headed "remarks," and such challenge lists shall be delivered to the respective boards of election at least one-half hour before the opening of the polls of each election.

The state superintendent of elections shall prepare duplicates of all such challenge lists and keep them and all original challenge lists returned to him by boards of inspectors as provided in this act, until after the third general election following their preparation.

§ 【487】81. Salaries and expenses. The annual salary of the state superintendent of elections shall be five thousand dollars; of the chief deputy, four thousand dollars; of the secretary, two thousand three hundred dollars; of one chief stenographer, fifteen hundred dollars; of not more than six deputies, one thousand six hundred and fifty dollars each; of seven deputies assigned

to take charge of the branch offices, eighteen hundred dollars each; of not more than seventy of the deputies, twelve hundred dollars each; payable semi-monthly. All other deputies shall receive five dollars for each day's service, not exceeding forty days for any one election, to be paid on the certificate of the superintendent or chief deputy, which forty days shall be within a period beginning one week before the first day of registration and ending December thirty-first of such year. The salaries of the clerks and other stenographers shall be fixed by the said superintendent. All salaries and other compensation provided by this section shall be paid by the state treasurer on the warrant of the comptroller.

The state superintendent may provide one main office, which shall be located in the city of Albany, and branch offices in his discretion, not to exceed eight in number, one of which shall be located in the city of New York, and furnish them with needed furniture, stationery and supplies, and expend for such purpose and for disbursements and expenses in carrying out the provisions of this article, not exceeding forty thousand dollars each year, to be paid by the state treasurer on the audit and warrant of the comptroller.

§ [488]82. Report to governor. The state superintendent of elections shall annually in the month of December file with the governor a report showing the names and residences of the persons appointed by him as deputies during the year, the number of days each has served, and compensation certified for each, the number of arrests made for violation of [this chapter or] the penal law, the names of the persons arrested, the nature of the offense charged, the disposition thereof, and any other facts in relation to the administration of his office which the state superintendent may deem proper or which may be required by the governor.

§ 44. The terms of office of the present state superintendents of elections shall expire upon the appointment and qualification of a single superintendent of elections under the provisions of section four hundred and seventy-one of the election law as amended by this act. Upon the appointment and qualification of such superintendent of elections, he shall succeed to the powers and duties of such superintendents of elections except as modified by this act and shall have the charge, custody and control of the offices, property, books, records, papers and documents pertaining to the powers and duties of such superintendents. After this act takes effect and until the appointment and qualification of such

superintendent of elections, the present superintendents of elections shall have the powers and duties of the superintendent of elections as prescribed by the election law as amended by this act. This act shall not affect any matter pending under the election law at the time it takes effect or at the time of the appointment of a single superintendent of elections under section four hundred and seventy-one of such law as amended by this act, which pertain to the powers and duties of the present superintendents of elections, nor affect the running of time with respect to any proceeding provided for in the election law. Any such pending matter pertaining to the functions of the state superintendents of elections shall be continued and disposed of by the state superintendent of elections.】

【§ 489. Authority of state superintendent of elections. The authority, powers and jurisdiction of the state superintendent of elections with respect to general elections, as defined by the provisions of this article, are hereby extended to primary elections, so far as such provisions may be applicable.】

ARTICLE 5.

DESIGNATION AND NOMINATION OF CANDIDATES; UNOFFICIAL PRIMARIES.

- Section* 90. *Direct nomination of candidates for public office.*
 91. *Delegates to national party conventions.*
 92. *Presidential electors.*
 93. *Designation petition.*
 94. *Rules concerning petitions.*
 95. *Filing of petition.*
 96. *Independent nominations.*
 97. *Filing independent certificates of nomination.*
 98. *Declination of designation or nomination.*
 99. *Filling vacancies in designations and nominations.*
 100. *Filling vacancies after nomination at primaries.*
 101. *Objections to certificates of designation or nomination.*
 102. *Party nominations for special elections and to fill vacancies.*
 103. *Contest; judicial review.*

§ 【45】90. Direct nomination of candidates for public office. Party nominations for all offices to be filled at a general election, except town, village and school district offices and electors of

the president and vice-president of the United States, shall be made at the fall primary next preceding such general election by the enrolled voters of the party as in this chapter provided *and party positions shall be filled at such primary. Nominations of party candidates for offices other than town, village and school district offices, to be filled at a special election shall be made, if the office is to be filled by the voters of more than one county, by a majority of a quorum of members of the state committee resident in the district within which the office is to be voted for the state committee, and otherwise by the members of the county committee resident within the district within which the office is to be voted for.* Nominations of party candidates for town, village and school district offices shall be made in the manner prescribed by the rules and regulations of the county committee of the county wherein such town, village or school district is located. [Nominations of party candidates for city offices to be filled at an election held at a different time from the general election shall be made directly at unofficial primaries by enrolled party voters.]

Nothing contained in this chapter shall prevent a party from holding party conventions, to be constituted in such manner, and to have such powers in relation to formulating party platforms and policies and the transaction of business relating to party affairs, as the rules and regulations of the party may provide, not inconsistent with the provisions of this chapter. Delegates to any such convention and members of party committees, other than members of state and county committees, shall not be chosen at official primaries or otherwise at public expense.]

§ [53]91. Delegates to national party conventions. The rules and regulations of each political party may prescribe that the delegates and alternates to a national convention of that party shall be elected from congressional districts, or partly from the state at large and partly from congressional districts, but such rules shall not provide for the election of more than four delegates and four alternates from the state at large.

In each year when a president of the United States is to be elected, delegates and alternates-at-large, and district delegates and alternates, to national party conventions shall be elected at the spring primary. Candidates for the position of delegates and alternates-at-large to said conventions shall be designated in the same manner as prescribed by this chapter for the designation of candidates for party nominations for offices to be filled by the voters of the entire state, and district delegates and alternates to

said convention shall be designated in the same manner as prescribed by this chapter for the designation of candidates for party nominations for the office of representative in congress[; save that the time for filing designations as hereinbefore prescribed shall be computed with respect to the spring primary instead of the fall primary].

§ [54]92. Presidential electors. In each year when a president of the United States is to be elected, candidates for the office of elector for president and vice-president of the United States shall be nominated by the state committee of each of the parties to which this act applies, one for each congressional district, and two at large. The candidates so nominated shall be certified to the secretary of state [in the same manner as party nominations for state offices].

[§ 46. Designations; how made. Designations of candidates for party nominations or for election to party positions shall be by petition only, in the manner provided by this chapter.]

§ [48]93. Form of designation [by] petition. [1. Every petition for t]The designation of a candidate for party nomination *for public office* or for election to a party position shall be *by petition only, which petition shall be* in substantially the following form:

I, the undersigned, do hereby certify that I am a duly enrolled voter of the party, as hereinbelow specified, and entitled to vote at the next primary election of said party, that my place of residence is truly stated opposite my signature hereto, and I do hereby designate the following named person, or persons, as a candidate, or candidates, for nomination by the party for public office, or offices, or as a candidate or candidates for election to the position or positions, of the said party to be voted for at the [official] primary election to be held on the day of, A. D.,, as hereinafter specified, and it is my intention to support at the [ensuing primary] *said primary election* the candidacy of the person or persons and each of them herein designated by me.

Name of candidate	Public office or party position	Place of residence	Place of business
.....
.....
.....
.....
.....

I do hereby appoint (here insert the names and addresses of at least three persons, all of whom shall be enrolled voters of said party) as a committee to fill vacancies in accordance with the provisions of the election law.

In witness whereof, I have hereunto set my hand the day and year placed opposite my signature.

Date.	Name of signer.	Residence.	Election district, town or ward.
.....
.....
.....
.....
.....

STATE OF NEW YORK, }
COUNTY OF..... } ss.:

On this day of, in the year, before me personally came (here shall be inserted the names of each [and every] voter appearing and making oath before the said officer), each of whom was to me personally known and known by me to be the voter whose name and place of residence is subscribed by him to the foregoing certificate and each of the foregoing voters being by me duly and severally sworn did make oath that he is a voter and has truly stated his residence, and that it is his intention to support at the polls the candidacy of the person or persons designated for nomination for public office in the foregoing certificate of designation, if the same are nominated.

(Signature and official title.)

【2. Any signature to a designating petition for the primary may as an alternative be authenticated by a qualified witness in the same manner as in the case of a nominating certificate for the election, as provided in section one hundred and twenty-three of the election law, the forms and procedure being changed to apply to the primary instead of the election, and with like penalty for any false affidavit, certificate or statement by any person. No signature to a designating petition shall be counted unless authenticated either by acknowledgment or by a witness as aforesaid.

3. A petition for the designation of candidates for party nomination or for election to party position may designate candidates for nomination for one or more public offices, or for election to one or more party positions, or both.

4. Petitions for the designation of candidates for party nominations or for the election of candidates for party positions or both shall be signed by enrolled voters resident within the political subdivision or unit of representation for which the nomination or election is to be made to a number equivalent to not less than three per centum of the total number of enrolled voters of the party residing within said political subdivision or unit of representation, as determined by the last preceding enrollment, provided, however, that for the following officers the number of signatures need in no case exceed the following fixed limits:

For the office of United States senator or for any office to be filled by all the voters of the state, three thousand signatures;

For the office of justice of the supreme court, judge of the court of general sessions in the city of New York, and judge of the city court of the city of New York, fifteen hundred signatures.

For any office to be filled by all the voters of a city containing more than a million inhabitants, fifteen hundred signatures;

For any office to be filled by all the voters of any other city of the first class or of any county or borough containing more than two hundred and fifty thousand inhabitants, according to the last preceding federal or state enumeration, one thousand signatures;

For any office to be filled by all the voters of any county or borough containing more than twenty-five thousand and not over two hundred and fifty thousand inhabitants according to the last preceding federal or state enumeration, or of any city of the second class, or of any congressional or senatorial district, five hundred signatures;

For any office to be filled by all the voters of any other county or of any city of the third class or of any assembly district, two hundred and fifty signatures;

For any office to be filled by the voters of any political subdivision contained within another political subdivision, not to exceed the number of signatures required for such larger subdivision; and for any office to be filled by the voters of a subdivision containing more than one assembly district, county or other political subdivision, not to exceed the aggregate of the signatures required for the subdivisions or parts of subdivisions so contained.

5. All papers signed and verified in the manner and form above prescribed for the purpose of designating the same candidate for nomination for the same public office or the same party position

shall, when bound together and offered for filing as provided in this chapter, be deemed to constitute one petition with respect to said candidate.

No enrolled voter shall join in designating a greater number of candidates for party nominations for a public office or for election to a party position than the number of persons to be elected thereto. Where an enrolled voter shall sign any petition or petitions designating a greater number of candidates than he is permitted to designate as aforesaid his signatures, if they bear the same date, shall not be counted, and if they bear different dates they shall be counted in the order of their priority of date and only so far as he was entitled to make designations. A signature made earlier than eleven weeks before the official primary shall be void and of no effect; but if bearing a date within such period it shall be counted in the first instance by the board or officer with which or whom the petition is offered for filing, subject to judicial review if objections be filed under section fifty-five of this chapter.]

[§ 123. Independent certificates of nomination. 1. Independent nominations shall be made by a certificate subscribed by the required number of such electors, each of whom shall add to his signature his place of residence and make oath that he is an elector and has truly stated his residence. The making of the said oath shall be proved by the certificate of the notary or other officer before whom the said oath is taken, and it shall be unnecessary for an elector who has subscribed a certificate of nomination, as herein provided, to sign any affidavit as to the matter to which he has made oath as aforesaid. The certificate hereinbefore provided for of the notary or other officer shall be in the following form substantially:

STATE OF NEW YORK, }
County of, } ss.:

One the day of, in the year, before me personally came (here shall be inserted the names of each and every elector appearing and making oath before the said officer), each of whom was to me personally known and known by me to be the elector whose name and place of residence is subscribed by him to the foregoing certificate and each of the foregoing electors being by me duly and severally sworn did make oath that he is an elector and has truly stated his residence, and

that it is his intention to support at the polls the candidacy of the person or persons nominated for public office in the foregoing certificate of nomination.

(Signature and official title.)】

【2.】 As an alternative method of authentication, in lieu of such acknowledgment, provision may be made in such nominating certificate for a column under the title "witness," for the signature of a witness opposite the names of signers of the certificate. There may be a subscribing witness for any signature, and the same person may act as witness for any number of signers. No person shall be qualified to act as such witness unless he shall be a freeholder within or shall have been for the last preceding five years a resident of the county in which the person resides whose signature he is witnessing; nor unless he shall have been registered either from the same address or within the same election district for the last preceding two general elections, or the territory of such election district as defined at the time of the first of such two registrations, 【nor unless his good character and honesty are certified to as provided below either by at least one-half of the candidates whom the certificate nominates or by the committee to fill vacancies named therein, which certificate of good character and honesty must be filed with the board or officer with whom the nominating certificate is filed.】 *nor, except upon a petition designating for a party position, if the witness be a candidate thereupon.* Such witness must sign his name in the presence of the voter whose name he is witnessing and must thereafter appear before an officer authorized to administer oaths and take acknowledgments and make the following affidavit to be attached to the nominating certificate:

STATE OF NEW YORK, }
County of, } ss.:

On this day of, in the year, before me personally came (here insert name of witness), to me personally known, who, being by me duly sworn, did depose and say that he knew each of the voters whose names and places of residence are subscribed to the foregoing nominating certificate, as to whose signatures deponent has signed as a witness above, and deponent makes oath that he saw each of them sign the same, and that each such voter on signing such certificate declared to deponent that it was his intention to support at the polls the

candidacy of the person or persons nominated for *party position* or public office in the foregoing nominating certificate; and that deponent thereupon signed his name as a witness thereto in the presence of each such voter.

Said deponent does also make oath that he is (here state his qualifications to act as a witness as above provided) and that he has been registered for the last two general elections as follows: For the general election of 19.... I was registered from (state address) in the election district of the assembly district, county of, state of New York. For the general election of 19.... I was registered from (state address) in the election district of the assembly district, county of, state of New York.

.....

(Signature of witness.)

Subscribed and sworn to before me,
this day of

.....

(Official title of officer.)

[3. The certificate to the good character of the witness must be substantially as follows:

The undersigned hereby certifies to the good character and honesty of the following named person acting as witness to signatures upon a nominating certificate for the next ensuing election:

Name of witness	Permanent residence of witness	Business of witness	Business address of witness
.....
.....
.....

I certify that I have known the said witness for (here state length of acquaintance) and that all the facts herein stated as to the character, honesty, residence, business and business address of the witness certified to, are stated upon my knowledge.

Dated

(Signature).....

(Residence).....

If the person making such certificate of good character and honesty has not personal knowledge of all such facts, his certificate may nevertheless be accepted, provided that he shall state

therein that any fact, specifying it, not made on his personal knowledge, is made in good faith upon information received from another person whom he names, and further provided that he attaches a certificate of such other person in substantially the foregoing form stating such fact or facts upon personal knowledge. Such other person must be a qualified elector of the district for which the nomination is made.

4. Any such witness, candidate, member of committee to fill vacancies or other person, who makes a false affidavit, certificate or statement as thus provided for, and any officer authorized by law to take acknowledgments and affidavits who knowingly signs a certificate to a false affidavit, certificate or statement, is guilty of a misdemeanor and shall be punished by imprisonment for a term of not less than three months.

5. The certificate of nomination and each separate paper thereof, if there be more than one such paper, shall contain the following declaration which shall be subscribed by the signers thereof:

“We the undersigned duly qualified electors of the district for which the nomination for public office is hereby made under the provisions of sections one hundred and twenty-two and one hundred and twenty-three of the election law do hereby declare that it is our intention to support at the polls the candidacy of the person or persons herein nominated for public office.”

The certificate shall also contain the titles of the offices to be filled, the name and residence of each candidate nominated, and if in a city, the street number of such residence and his place of business, if any; and shall designate in not more than five words the political or other name which the signers shall select, which name shall not include the name of any organized political party.

A certificate may designate upon its face one or more persons as a committee to represent the signers thereof, for the purposes specified by section one hundred and thirty-five of this article. The signatures to the certificate of nomination need not all be appended to one paper. No person shall join in nominating more candidates for any one office than there are persons to be elected thereto, and no certificate shall contain the names of more candidates for any office than there are persons to be elected to such office.

6. The name of no person signing an independent certificate of nomination shall be counted unless such person shall on one of the

days of registration in such year be registered as a qualified elector, and in case a candidate nominated by an independent certificate of nomination be at the time of filing the said certificate or afterwards the candidate of a political party for the same office the name of no person who is an enrolled member of such political party shall be counted, except where such nomination is afterwards made by a party committee or committee to fill vacancies. For the purpose of ascertaining whether the person whose name appears on an independent certificate of nomination signed such certificate, the affidavit or testimony of such person that he did not sign such certificate shall be prima facie evidence that he did not sign such certificate. If the name of a person who has signed a certificate of independent nomination appear upon another certificate nominating the same or a different person for the same office, it shall not be counted upon either certificate.】

§ 94. *Rules concerning petitions.* 1. *A petition for designation of candidates for party nomination or for election to party position may designate candidates for nomination for one or more public offices or for election to one or more party positions or both. All papers subscribed and verified as herein prescribed when joined together shall be deemed one petition.*

2. *Petitions for designation of candidates for party nominations or for the election of candidates for party positions or both shall be signed by the enrolled voters resident within the political subdivision or unit of representation for which the nomination or election is to be made to a number equivalent to not less than two per centum of the total number of enrolled voters of the party residing within said political subdivision or unit of representation, as determined by the last preceding enrollment, provided, however, that the number of signatures need in no case exceed the following fixed limits:*

For any office to be filled by all the voters of the state three thousand signatures;

For any office to be filled by the voters of more than one county (the counties of Fulton and Hamilton to be considered one county) fifteen hundred signatures;

For any office to be filled by the voters of a county or borough seven hundred and fifty signatures;

For any office to be filled by the voters of less than a county five hundred signatures.

3. *No enrolled voter shall join in designating a greater number*

of candidates for party positions for a public office or for election to a party position than the number of persons to be elected thereto. Where an enrolled voter shall sign any petition or petitions designating a greater number of candidates than he is permitted to designate as aforesaid his signatures, if they bear the same date, shall not be counted, and if they bear different dates they shall be counted in the order of their priority of date and only so far as he was entitled to make designations. A signature made earlier than eleven weeks before the official primary shall be void and no effect; but if bearing a date within such period it shall be counted in the first instance by the board with which the petition is offered for filing, subject to judicial review if objections be filed.

§ [49]95. Filing of [designations] petitions. [1. Where to be filed.] All [designations of] petitions designating candidates for public office[s] and for election to party positions shall be filed [with the officer with whom independent certificates of nomination for such office or offices are required by this chapter to be filed.], *where the office or position is to be filled by voters in a district greater than a county in the office of the secretary of state, as to the office of member of assembly for Fulton and Hamilton counties in the office of the boards of election for each county and in all other cases in the office of the board of elections in the county in which the office is voted for, or in the city of New York in the office of the board of elections of that city.* A list of all [All] designations filed in accordance with the provisions of this section or certified copies thereof shall forthwith be conspicuously posted [by] in the office of the secretary of state or [custodian of primary records in his office,] board of elections, and shall remain so posted until primary day[, and shall be open to inspection as public records at all reasonable hours], and each such officer shall provide ample and sufficient facilities for keeping and posting said records and for making copies of the same. Forthwith upon the filing of a petition designating a person for nomination to public office, the board or officer with whom the same is filed shall mail notice thereof to each person named as a candidate for nomination to such office in such petition.

[2. When to be filed.] All [designations] petitions shall be filed not earlier than the fifth Tuesday and not later than the fourth Tuesday preceding the primary at which the candidates therein designated are to be voted for. All [designations] peti-

tions shall at the time of the filing thereof be stamped or indorsed by the secretary of state, or the [custodian of primary records,] board of elections, as the case may be, with the day, hour and minute of such filing.

§ 122. Independent nominations. Nominations made as provided by this and the next section shall be known as independent nominations, and the certificate whereby such nominations are made shall be known as an independent certificate of nomination. Independent nominations of candidates for public office to be voted for by all the voters of the state can only be made by twelve thousand or more voters of the state; provided, however, that in making up such number at least fifty voters in each county of the state (the counties of Fulton and Hamilton to be considered as one county) shall subscribe the certificate provided for in this and the next section. Independent nominations of candidates for offices to be voted for by the voters of any political subdivision of the state can only be made by five per centum of the total number of votes cast for governor at the last gubernatorial election in such political subdivision, excepting that not more than three thousand electors shall be required to make an independent nomination in any political subdivision; and excepting that not more than one thousand five hundred electors shall be required to make an independent nomination for a borough or county office.]

§ 96. *Independent nominations.. Nominations for public office known as independent nominations shall be made by a certificate substantially in the form and described and executed as prescribed in section ninety-three of this act, except that the words general election or special election shall be supplied for the words primary election therein and except that it shall show thereon the emblem to designate the candidates, as provided in section twenty-one of this act. Independent nominations can only be made in the state or in any political subdivision by three per centum of the total number of votes cast for governor in the last gubernatorial election in the state or such subdivision, provided that the number of signatures need in no case exceed twice the number specified in section ninety-four of this act as necessary for a primary petition.*

The name of no person signing an independent certificate of nomination shall be counted unless such person shall on one of the days of registration in such year be registered as a qualified elector, and in case a candidate nominated by an independent cer-

tificate of nomination be at the time of filing the said certificate or afterwards the candidate of a political party for the same office the name of no person who is an enrolled member of such political party shall be counted, except where such nomination is afterwards made by a party committee or committee to fill vacancies. If the name of a person who has signed a certificate of independent nomination appear upon another certificate nominating the same or a different person for the same office, it shall not be counted upon either certificate.

§ [127]97. [Places of filing] *Filing independent certificates of nomination. Independent certificates of nomination of candidates for office [to be filled by the voters of the entire state, or of any division or district greater than a county,] shall be filed [with the secretary of state, except that each such certificate of nomination of a candidate for member of assembly for the assembly district composing the counties of Fulton and Hamilton shall be filed in the office of the board of elections of Fulton county, and a copy thereof certified by the board of elections of Fulton county shall be filed in the office of the board of elections of Hamilton county, so long as the said counties constitute one assembly district, and except that such certificates of nomination of candidates to offices to be filled only by the voters or a portion of the voters of the city of New York shall be filed with the board of elections of the city of New York] as required by section ninety-five of this act, with respect to primary petitions.*

[Independent certificates of nomination of candidates for offices to be filled only by the votes of voters, part of whom are of New York city and part of whom are of a county not wholly within the city of New York, shall be filed with the board of elections of such county and in the office of the board of elections of said city. Such certificates of nomination of candidates for offices of any other city, to be elected at the same time at which a general election is held shall be filed with the board of elections of the county in which such city is located. Such certificates of nomination of candidates for offices of a city, village or town to be elected at a different time from a general election shall be filed with the clerk of such city, village or town, respectively.

In towns in which town meetings are held at the time of general elections, independent certificates of nomination of candidates for town offices shall be in duplicate, one of which shall be filed with the town clerk of the town in which such officers are to be voted for, and the other with the board of elections of the county

in which such town is located. All other independent certificates of nomination shall be filed with the board of elections of the county in which the candidates so nominated are to be voted for.

[All such filed certificates and corrected certificates of nomination, all objections to such certificates and all declinations of nominations are hereby declared to be public records; and it shall be the duty of every officer or board to exhibit without delay every such paper to any person who shall request to see the same.] It shall [also] be the duty of [each such officer or board] *the secretary of state and each board of elections* to keep a book which shall be open to public inspection, in which shall be correctly recorded the names of all candidates nominated by independent certificates issued by or filed in the office of such officer or board or certified thereto, the title of the office for which any such nomination is made, the name and emblem of the independent body making such nomination, and in which shall also be stated all declinations of such nominations, or objections to such nominations, and the time of filing each of the said papers.

[§ 128. Times of filing independent certificates of nomination. Independent] Such certificates [of nomination] except those for the nomination of candidates to be elected at a different time from a general election, shall be filed not earlier than the ninth Tuesday and not later than two days after the eighth Tuesday preceding the day of the general election. Independent certificates of nomination of candidates to be elected at a different time from a general election shall be filed at least fifteen, and not more than thirty days before the day of election.

In case of a special election ordered by the governor [under the provisions of section two hundred and ninety-two of this chapter,] independent certificates of nomination for the office or offices to be filled at such special election shall be filed with the proper officers or boards not less than ten days before such special election.

§ [133]98. Declination of *designation* or nomination. The name of a person *designated as a candidate for nomination or for party position, or nominated for an office by independent nomination* [otherwise than by an official primary election] shall not be printed on the official ballot if he notifies the board or officer with whom the original certificate [of his nomination] is filed, in a writing signed by him and duly acknowledged, that he declines the *designation* or nomination, or if nominated by more than one political party or independent body, the name of a person so

nominated shall not be printed on the ticket of a party or independent body whose nomination he shall in like manner decline. *If the declination be of a designation such notification shall be given within three days after the third Tuesday preceding the ensuing primary.* If the declination be of a nomination for an office to be filled at a general election, or at a city election or town meeting held at the time of a general election, such notification shall be given not later than four days after the eighth Tuesday before the general election. If the declination be of a party nomination for a city office to be filled at a city election held at a different time from the general election, such notification shall be given at least eighteen days before the election. If the declination be of an independent nomination for a city office to be filled at a city election held at a different time from the general election, such notification shall be filed at least twelve days before the election. If the declination be of a party nomination for an office to be filled at a village election or at a town meeting held at a time different from a general election, such notification shall be given at least fifteen days, and if of an independent nomination at least ten days before the election. If a declination of nomination to a town office, in towns where town meetings are held at the time of general elections, be filed in the office of the board of elections, such board shall forthwith notify the town clerk in writing of such declination.

When a person who was not designated for nomination at an official primary election receives a nomination for public office at such primary, it shall be the duty of the board or officer with whom designations for nomination to such office are required by this chapter to be filed to forthwith notify, by mail, such person of his nomination. A person nominated as aforesaid, without designation, at an official primary, may decline such nomination not later than the [seventh] *fourteenth* day after the day of the primary at which he was nominated, by filing his written declination thereof, signed by him and duly acknowledged, with the board or officer with whom designations for nomination to such office are required by this chapter to be filed.

The board or officer to whom such notification is given shall forthwith inform by mail or otherwise the committee authorized to fill the vacancy [pursuant to sections one hundred and twenty-one or one hundred and twenty-three of this chapter], that the *designation or* nomination has been declined, and if such declina-

tion be filed with the secretary of state, such officer shall also give immediate notice by mail or otherwise that such nomination has been declined, to the several boards of elections [or other officers] authorized by law to prepare official ballots for election districts affected by such declination.

§ [53]99. *Filling vacancies* [Vacancies] in designations and independent nominations [how filled]. If a candidate regularly designated for election to party position, or for a party nomination for public office, declines [a] the designation or dies before the primary day, or being nominated by independent nomination declines the nomination or dies before election day, or such designee or nominee, [or] is found to be disqualified to hold the office or position for which he has been designated or nominated, the committee to fill vacancies, if any, which may be appointed by the signers and shown upon the face of the petition of designation or nomination, may make a new designation or nomination, to fill the vacancy so created, by making and filing with the officer with whom the original [designation] petition was filed a certificate setting forth the cause of the vacancy, the name of the person designated or nominated by them, the name of the original candidate, and in the case of a designation the name of the party for whose primary the original designation was made. Such certificate shall be subscribed and acknowledged by a majority of the members of the committee to fill vacancies, who shall severally make oath that the matters therein stated are true, to the best of their knowledge and belief, and when so filed such certificate shall have the same force and effect as the original [designating] petition. *In the case of a designation the certificate shall be filed on or before the second Tuesday preceding the primary election. In the case of a nomination the certificate shall be filed on or before the fifth Tuesday preceding a general election, or eight days before a special election.* In case such certificate shall be filled with the secretary of state, he shall forthwith certify to the proper [custodian, or custodians, of primary records] board of elections the name of the person designated [or nominated] by such certificate and such other facts as are required to be stated therein. In case the certificate from the secretary of state shall be received by a [custodian of primary records] board of elections, or an original certificate [of designation] as in this section provided for shall be filed with him, after the official ballots have been printed and before primary day or election day

as the case may be, it shall be [his] its duty to prepare and furnish to the inspectors of election in each election district affected adhesive pasters containing the name of the candidate designated or nominated to fill the vacancy with directions for the proper use thereof. The pasters shall be of plain white paper, printed in plain black ink and in the same kind of type used in printing the names of the candidates upon the official ballots, and shall be of a size as large as and no longer than the space occupied upon the official ballot by the name of the candidate in whose place the candidate named upon the paster has been designated. Whenever such pasters are provided, the [officer of] board furnishing them shall certify, to the inspectors of election in the election districts affected by the vacancy, the name of the person originally designated, the name of the person designated in the new certificate, the title of the office or party position for which the designation is made, the name of the political party to which the committee making the designation belongs, and shall state the number of pasters furnished, which number shall be equal to the number of official ballots furnished for each such district. [Upon the delivery of said pasters the inspectors of election shall sign and receipt for the same, which receipt shall be retained by the officer or board furnishing the pasters, and shall be part of the record of his or their office. The inspectors shall affix one of such pasters in the proper place and in a proper manner upon each official ballot before such ballot shall be delivered to a voter. When so affixed to an official ballot the pasters shall be a part of the official ballot. The inspectors shall include in their statement of ballots a statement showing the number of pasters received by them, the number of pasters affixed to official ballots and the number of unused pasters returned by them, the unused pasters to be inclosed in the package of ballots not delivered to voters. The use of any paster upon the official ballot otherwise than as herein provided is hereby prohibited.]

§ [90]100. Filling vacancies [and determination of the tie vote after] after nomination at primaries. A vacancy in a nomination for public office made at a primary election shall be filled as follows: A vacancy caused by the [declination,] disqualification or death of a candidate, or by a tie vote, shall be filled by a majority vote of a quorum of the state committee, if the vacancy occur in a nomination for an office to be filled by all of the voters of the state, and otherwise by the members of the

county committee or committees elected at such primary in the political subdivision in which such vacancy occurs, or by such other committee as the rules and regulations of the party may provide. Certificates of such nomination shall be filed in the office in which a designation of a candidate for such office is required to be filed. *A candidate nominated at an official primary may not decline the nomination.*

§ 50. Declination by person designated. The name of a person designated as a candidate for nomination or for party position shall not be printed on the official ballot if he notifies the officer with whom the original certificate of his designation is filed in a writing signed and duly acknowledged by him that he declines the designation. Such declination, to be effective, must be filed within three days after the third Tuesday preceding the ensuing primary. The officer with whom such declination is filed shall forthwith inform by mail or otherwise the committee authorized to fill vacancies in designations, and if such declination be filed with the secretary of state, such officer shall also give immediate notice by mail or otherwise of such declination to the several custodians of primary records for the election districts affected by such declination. The vacancy created by such declination shall be filled not later than the second Tuesday preceding the primary election.

If a candidate designated for nomination does not decline the designation within the time hereinbefore mentioned, and he is thereafter nominated at the official primary election, his name shall be printed on the official ballot as the candidate of the party or body holding the primary, and he shall not be permitted to decline such nomination.】

§ 55-a. Objections to designating petitions. A written objection to any petition for the designation of a candidate for party nomination or for election to party position may be filed with the board or officer with whom the original petition is filed within three days after the filing of such petition. If such objection be filed, notice thereof shall be given forthwith by mail to the committee, if any, appointed on the face of such petition 〔for the purpose specified in sections forty-eight and fifty-two of this chapter, and also to each candidate designated by such petition. The question raised by such written objection shall be heard and determined as prescribed in section one hundred and twenty-five of this chapter. The supreme court, at special term, in any

judicial district in which two or more proceedings are pending in such district under the provisions of this section may, by order, consolidate all such proceedings and provide that further proceedings therein be had before such court at special term, in all cases where the question or questions involved are identical. If one or more of such proceedings be pending before a justice or county judge, notice of such order shall be forthwith given to such justice or judge.]

§ [135. Filling vacancies in nominations. If a nomination made otherwise than by an official primary election is duly declined, or the attempt to nominate at a primary results in a tie, or a candidate regularly nominated otherwise than by an official primary election dies before election day, or is found to be disqualified to hold office for which he is nominated, or if any certificate of nomination is found to be defective but not wholly void the committee appointed on the face of such certificate of nomination, as provided by sections one hundred and twenty-one and one hundred and twenty-three of this chapter, may make a new nomination to fill the vacancy so created, or may supply such defect, as the case may be, by making and filing with the proper officer a certificate setting forth the cause of the vacancy or the nature of the defect, the name of the new candidate, the title of the office for which he is nominated, the name of the original candidate, the name of the political party or other nominating body which was inscribed on the original certificate, and such further information as is required to be given by an original certificate of nomination; except that where a certificate is filed pursuant to this section to fill a vacancy, it shall not be lawful to select a new name or emblem, but the name and emblem chosen to distinguish the candidate nominated by the original certificate shall be used to distinguish the candidate nominated as provided by this section.]

§ [136. Certificates of new nominations. The certificate so made shall be subscribed and acknowledged by a majority of the members of the committee, and the members of the committee subscribing the same shall make oath before the officer or officers before whom they shall severally acknowledge the execution of the said certificate that the matters therein stated are true to the best of their information and belief. Except in case of the death of a candidate after the official ballots have been printed and before election day, or after the seventh Tuesday pre-

ceding the election if the election is to occur at the time of a general election, the said certificate, or a certificate of nomination to fill a vacancy by the committee provided for in section ninety, shall be filed in the office in which the original certificate was filed, or in the office provided for in section ninety, as the case may be, as follows: if for a nomination for a city office to be filled at a city election held at a time different from the general election, at least eight days before the election; if for a nomination for a village office or for a town office to be filled at a town meeting held at a time different from the general election, at least five days before the election; in any other case, not later than the seventh Tuesday before the election. Upon being so filed such certificate shall have the same force and effect as an original certificate of nomination. When a new certificate of nomination is filed with the secretary of state, he shall, in certifying the nomination to the various boards and officers, insert the name of the person who has been thus nominated, instead of that of the candidate nominated originally, or, if he has already sent forward his certificate, he shall forthwith certify to such boards and other officers the name of the person newly nominated, and such other facts as are required to be stated in such certificate.]

§ [134]101. Objections to certificates of *designation or nomination*. A written objection to any certificate of *designation or nomination* may be filed with the officer with whom the original certificate [of nomination] is filed within three days after the filing of such certificate, excepting that if by any independent certificate of nomination any person is nominated who is at the time or shall be after the filing of such independent certificate of nomination, the candidate of a political party for the same office and the party certificate has been filed after the filing of the independent certificate of nomination the written objection to the independent certificate of nomination may be filed within three days after the filing of such party certificate; and if written objections to such independent certificate of nomination have been already filed by the same or some other person and shall have been heard and determined or heard and not determined, there shall be a new hearing upon all the objections so filed, the written objections to an independent certificate of nomination filed after the filing of a party certificate as herein provided may contain all objections to such independent cer-

tificate notwithstanding the same or some other person has already filed objections to such certificate. If such objection be filed, notice thereof shall be given forthwith by mail to the committee, if any, appointed on the face of such certificate [for the purposes specified in section one hundred and thirty-five of this article] and also to each candidate placed in *designation or nomination* by such certificate. The question raised by such written objection shall be heard and determined as prescribed in section [one hundred and twenty-five] *twenty-two* of this article.

§ [91]102. Party nominations [for special elections] and to fill certain vacancies. [Party nominations to an office to be voted for at a special election shall be made in the manner prescribed by the rules and regulations of the respective parties. *A vacancy in respect of a party nomination, provision for the filling of which is not otherwise made by this article shall be filled, if the office is to be voted for by the voters of more than one county by a quorum of the members of the state committee resident in such district and otherwise by the members of the county committee resident within the district within which the office is to be voted for.* A party nomination of a candidate for a vacancy in an elective office required to be filled at the next general election, occurring after the expiration of the period provided for the delivery by the chairman of a general committee to the custodian of primary records of the certified statement provided for in section seventy-five shall be filled by a majority vote of a quorum of the state committee, if the vacancy occur in a nomination for an office to be filled by all the voters of the state, and otherwise by the members of the county committee or committees elected in the political subdivision in which such vacancy occurs at the official primary preceding the general election at which such vacancy is to be filled or by such other committee as the rules and regulations of the party may provide.]

[§ 92. Unofficial primaries. Notice of all unofficial primary elections shall be given in the same manner as in the case of official primary elections, except that such notice shall be given by the proper party officers and shall not be at public expense. Unofficial primary elections shall be held in such places within the unit of representation for which the primary election is held, as shall be designated by the proper political committee, but there shall be at least one polling place within and for each assembly district, ward or village. The chairman and secretary

of the political committee calling an unofficial primary election, or under whose direction such primary election is held, shall post and keep posted during the election, at or near the entrance to the room where the primary election is held, so that the same is clearly visible from the street, a conspicuous notice calling attention to the place at which the primary election is being held. Unofficial primary elections shall be held at the expense of the party holding them, and, except as herein otherwise provided, shall be subject to the rules and regulations of such party.

There shall be a chairman and secretary for each unofficial primary and there may be tellers. No person shall be entitled to vote at an unofficial primary unless he may be qualified to vote on the day of election.

The chairman may administer any oath required to be administered at any primary and he shall decide all questions that arise relating to the qualification of voters when a voter is challenged by any elector and shall reject such vote unless the person offering the vote is willing to be and shall be sworn that he will truly answer all questions put to him touching his qualifications as such voter and shall state under oath that he is qualified to vote at such primary.

The ballot box used at any primary shall be examined by the secretary and by the tellers, if any, in the presence of the watchers, if any, before any ballots are received, to see that there are no ballots therein. Such watchers are entitled to be present from the commencement of the primary to the close of the canvass and the signing of the certificates thereof. At the close of the canvass of the ballots cast for each candidate, the secretary shall publicly announce the vote and the result of the canvass.

No unofficial primary election shall be held in a saloon or drinking place, or in a room which is more than one flight of stairs from the street or not readily accessible from the street.】

【§ 17. Use of duplicate enrollment books at unofficial primaries. At all unofficial primary elections of a party, the certified copy of enrollment entries in the register shall be used, and no voter shall be allowed to take part in such primary election as a resident of an election district, unless his name is upon the certified copy of such enrollment entries for that district, showing that he is enrolled with the party in whose primary election he seeks to participate.】

§ 121. Certification and filing of nominations. Nominations for town, village and certain other offices. A person nominated at a party primary for a town or village office or for a city office to be filled at an election held at a different time from the general election shall receive a certificate of such nomination. It shall be signed by the presiding officer and a secretary of such primary, or, if made by a committee, by a majority of the members thereof, who shall add to their signatures their respective places of residence, and shall make oath before an officer qualified to take affidavits that the affiants were such officers of such primary or that they are members and constitute a majority of such committee as the case may be, and that such certificates and the statements therein contained are true to the best of their information and belief. A certificate that such oath has been administered shall be made and signed by the officer before whom the same was taken and attached to such certificate of nomination. Such certificate of nomination shall contain the title of the city, town or village office for which such person is nominated and his name and residence. Such certificate shall also designate, in not more than five words, the name of the political party by which the nomination is made and shall be properly authenticated. Such certificate shall also upon its face appoint a committee of three or more persons to fill a vacancy in any of such nominations occurring for any of the reasons specified in section one hundred and thirty-five of this chapter between the date of such nomination and the day of election.

Such certificate shall be filed with the clerk of such city, village or town, respectively. In towns in which town meetings are held at the time of the general election, certificates of nomination of candidates for town offices shall be in duplicate, one of which shall be filed with the town clerk of the town in which such officers are to be voted for and the other with the board of elections of the county in which such town is located. Such certificates, in towns in which town meetings are held at the time of the general election, shall be so filed not earlier than the tenth Tuesday and not later than six days after the ninth Tuesday before such election. In villages, and in cities and towns in which the city elections or town meetings are held at a time other than the day of general election, such certificates shall be filed with such city, village or town clerk, not less than twenty nor more than thirty days before the day of election or town meeting. All

such filed certificates and corrected certificates of nomination, all objections to such certificates and all declinations of nominations are hereby declared to be public records.】

§ [56]103. Contests; judicial review. Any action or neglect of the officers or members of a political convention or committee, or of any inspector of primary election, or of any public officer or board with regard to the right of any person to participate in a primary election, convention or committee, or to enroll with any party, or with regard to any right given to or duty prescribed for, any voter, political committee, political convention, officer or board, by this article, shall be reviewable by summary proceedings upon the petition of any person aggrieved thereby, or upon a petition presented by the chairman of any political committee, which summary proceedings may be instituted before the supreme court or a justice thereof within the judicial district where the transaction, act or neglect of duty took place. Such proceedings shall be heard upon such notice as the court or justice thereof shall direct. In reviewing such action or neglect, the court, justice or judge shall consider, but need not be controlled by, any action or determination of the regularly constituted party authorities upon the questions arising in reference thereto, and shall make such decision and order as, under all the facts and circumstances of the case, justice may require. For the purposes of this section, service of any notice or order or other process of the court or justice thereof upon the chairman or secretary of a committee or board whose action is sought to be reviewed or directed shall be sufficient. The action of any [custodian of primary records] *board of elections* in canvassing and certifying the result of any primary election, or of the secretary of state in preparing and certifying the list of members of a state committee, may be reviewed in like manner by the supreme court, or a justice thereof, which by order may make any change in the result of such primary election as certified to by the [custodian of primary records,] *board of elections* or any change or alteration in the list of members of a state committee prepared by the secretary of state, as justice may require. [The change or alteration so made, if the result is as to the nomination of a candidate for an elective office, the name of the person so adjudged to have been duly nominated in accordance with the provisions of this chapter at such primary for such elective office shall be placed upon the official ballot as the candidate for the party holding such primary.】 Proceedings

taken under this article shall have precedence and priority over all other actions and proceedings in the supreme court or before a justice thereof. [The court, or a justice thereof, upon such proceeding, shall have the right to subpoena and examine witnesses, or in its discretion to hear and determine the case upon affidavits.] In case the court or a justice thereof should find and determine that both parties to the controversy had been guilty of frauds or that the primary had been so permeated by fraud as to render it impossible [for him] to determine the true result of such primary and who was elected thereat, such court or justice shall have the right to direct the holding of a new primary at the same place and in the same manner as the regular official primary. The court, or justice thereof, in case of ordering a new primary, may include in such order directions for the canvassing of the vote of such new primary.

No court or justice shall have jurisdiction of a proceeding, under this section, to review the action of any [custodian of primary records] *board of elections* in canvassing and certifying the result of a primary election, or of the secretary of state in preparing and certifying the list of members of a state committee, unless the proceedings be instituted on or before the tenth day next following such primary election; and the final order at special term, in any such proceeding, must be made on or before the fifteenth day after such primary election.

ARTICLE 6.

REGISTRATION AND ENROLLMENT OF VOTERS.

- Section 120. *Qualification of voters.*
 121. *Gaining or losing a residence.*
 122. *Persons excluded from the suffrage.*
 123. *Meetings for registration.*
 124. *Additional meetings for registration.*
 125. *Registration in cities and in villages of five thousand inhabitants.*
 126. *Registration elsewhere.*
 127. *Registration for other than general elections.*
 128. *Registration for town or village elections.*
 129. *Delivery of previous registers to inspectors.*
 130. *Registration days not holidays.*
 131. *Conduct of meetings; watchers.*
 132. *Illiterate and disabled voters.*

- Section 133. *Preparation of challenge affidavits.*
134. *Challenge lists.*
135. *Challenging applicants for registration.*
136. *Investigation into truth of affidavits.*
137. *Duplicate book of challenge affidavits.*
138. *Disposition of challenge affidavits.*
139. *Entry requiring challenge by inspectors.*
140. *Production of naturalization papers.*
141. *Provisions applicable to registers in all election districts where registration is required to be personal.*
142. *Register of voters.*
143. *Form and contents of register.*
144. *Poll books for additional elections.*
145. *Voting booths and enrollment boxes.*
146. *Enrollment blanks.*
147. *Delivery of enrollment blanks to voters on days of registration.*
148. *Enrollment by voters.*
149. *Examination, sealing and custody of enrollment boxes.*
150. *Card lists of registered electors.*
151. *Daily certification of register.*
152. *Certification of registers, at close of registration.*
153. *Custody of registers after registration.*
154. *Certifying number of registered electors.*
155. *Return of ballot box.*
156. *Change of residence within election district.*
157. *Preparation and distribution of registry lists; investigation of false registration.*
158. *Adding and erasing names on registers.*
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160. *Opening of enrollment box and completion of enrollment.*
161. *Correction of enrollment lists.*
162. *Enrollment for new political party.*
163. *Correction of enrollment with respect to persons not in sympathy with party.*
164. *Judicial review of enrollment.*
165. *New or amended enrollment lists for changed districts.*

Section 166. *Enrollment entries to be public records; transcripts of enrollments.*

167. *Books to be furnished containing transcripts of enrollments.*

168. *Publication of enrollments.*

169. *Investigation of enrollment.*

§ [162] 120. Qualifications of voters. A person is a qualified voter in any election district for the purpose of having his or her name placed on the register if he or she is or will be on the day of the election qualified to vote at the election for which such registration is made. A qualified voter is a citizen who is or will be on the day of election twenty-one years of age, and who has been an inhabitant of the state for one year next preceding the election, and for the last four months a resident of the county, and for the last thirty days a resident of the election district in which he or she offers his or her vote. If a naturalized citizen, such person must, in addition to the foregoing provisions, have been naturalized at least ninety days prior to the day of election, or, if a citizen by marriage, must have been an inhabitant of the United States for five years prior to such day.

§ [163] 121. Gaining or losing a residence. For the purpose of registering and voting no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this state, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse, or other asylum, or institution wholly or partly supported at public expense or by charity; nor while confined in any public prison. Any person claiming to belong to any class of persons mentioned and referred to in this section shall file with the board of inspectors at the time of registration a written statement showing where he actually resides and where he claims to be legally domiciled, his business or occupation, his business address, and to which class he claims to belong. Such statement shall be attached to the register, and be open for public inspection, and the fact thereof shall be noted in the register opposite the name of the person so registered.

§ [175] 122. Persons excluded from the suffrage. No person who shall receive, accept, or offer to receive, or pay, offer or promise to pay, contribute, offer to promise to contribute to

another, to be paid or used, any money or any other valuable thing as a compensation or reward for the giving or withholding a vote at an election, or for registering or refraining from registering as a voter, or who shall make any promise to influence the giving or withholding any such vote or registration, or who shall make or become directly or indirectly interested in any bet or wager depending upon the result of an election, shall vote at such election. No person who has been convicted of a felony shall have the right to register for or vote at any election unless he shall have been pardoned and restored to the rights of citizenship.

§ [150]123. Meetings for registration. 1. Except as otherwise herein provided, before every general election, the board of inspectors for each election district in every city, and in villages having five thousand inhabitants or more, shall hold four meetings for the registration of the electors thereof, at the place designated therefor, to be known respectively as the first, second, third and fourth meetings for registration. The said meetings shall be held on the fourth Friday, fourth Saturday and the third Friday and third Saturday before such election. Each meeting shall begin at seven o'clock in the forenoon, and continue until ten o'clock in the evening. In all election districts other than in cities or villages having five thousand inhabitants or more, the board of inspectors of election for each such election district shall hold two meetings for the registration of voters thereof, at the places designated therefor, before each general election, namely, on the fourth and third Saturdays before the election, to be known respectively as the first and second meetings for registration, which meetings shall begin at seven o'clock in the forenoon and continue until ten o'clock in the evening.

2. In [a city having more than one million inhabitants] *the city of New York*, the board of inspectors for each election district shall hold six meetings for the registration of the electors thereof before each general election. Such meetings shall begin on Monday the twenty-ninth day before such election and continue on each day of the same week up to and including Saturday. On each day except Saturday the meeting shall begin at five o'clock in the evening, and on Saturday at seven o'clock in the morning. All such meetings shall continue until half past ten o'clock in the evening.

§ [151]124. Additional meetings for registration. If a

special election be called by the governor or a special or other election be appointed by or pursuant to law for a time other than the day of general election, the inspectors of election of the various election districts in the political subdivision for which such special or other election is to be held *except in the city of New York* shall meet in their respective districts on the second Saturday preceding such election, from eight o'clock in the forenoon to ten o'clock in the evening, for the purpose of revising and correcting the register of voters as provided in this article. [This section shall not apply to cities of one million inhabitants or over.]

【§ 151-a. Meetings for registration for special elections in the year nineteen hundred and eighteen. In the year nineteen hundred and eighteen, instead of one meeting of inspectors of election for revising and correcting the register of electors, for a special election, as provided in section one hundred and fifty-one, there shall be two meetings for revising and correcting the register for the first special election that may be held in any election district in such year, including a special election called or to be called pursuant to section two hundred and ninety-two or to be held under the city local option law or other statute. Such meetings shall be held, respectively, on the second Friday and second Saturday before the election. In a city of over one million inhabitants, the first of such meetings shall be held open from five o'clock in the afternoon until ten o'clock in the evening, and the second of such meetings from seven o'clock in the forenoon until ten o'clock in the evening, and each inspector of election shall receive four dollars for his services at the first of such meetings and seven dollars and fifty cents for his services at the second of such meetings. Outside of such city, each such meeting shall be held open from eight o'clock in the forenoon until ten o'clock in the evening, and the inspectors shall receive for their services at each meeting the compensation fixed by or pursuant to law for services on any day of registration in the same town or city. The provisions of section one hundred and sixty shall apply to both of such meetings; and the names to be added to the register, in the manner provided in that section, shall include women who are or will be qualified electors at such election.】

§ 【158】125. Registration in cities and in villages of five thousand inhabitants. In cities and villages having five thousand inhabitants or more, the names of such persons only as per-

sonally appear before the inspectors, and who are or will be at the election for which the registration is made, qualified electors, shall be registered for a general election, except that whenever any election district in a village having five thousand inhabitants or more shall embrace within its boundaries territory without the limits of such village, the inspectors shall, at their first meeting for registration for a general election, place upon such register the names of all persons appearing on the register of the last preceding general election who resided without the limits of such village but within the election district and who voted at such last preceding general election, except the names of such electors as are proven to the satisfaction of such inspectors to have ceased to be electors since such general election or to have moved within the limits of such village. They shall also place upon such register, at their first and subsequent meetings, the names of all other persons residing without the limits of the village and within such election district who may then appear before such inspectors and apply for registration and who are or who will be at the election for which the registration is made qualified electors, and also, at their first and subsequent meetings, the names of all persons not registered under the foregoing provisions who are known or proven to the satisfaction of the inspectors to be then or thereafter entitled to vote at such election and who reside within such election district but without the limits of such city or village.

§ [159]126. Registration elsewhere. At the first meeting for registration in any election district where only two meetings for the registration of voters are held for any general election, as provided in section one hundred and [fifty] *twenty-three* of this article, the inspectors shall place upon the register the names of all persons who voted at the last preceding general election, as shown by the register [or poll book] of such election, except the names of such voters as are proven to the satisfaction of such inspectors to have ceased to be voters in such district since such general election. They shall also place upon the register at their first and second meetings the names of all other persons who then appear before such inspectors and apply for registration and who are or will be, at the election for which the registration is made, qualified electors, and also, at their first and second meetings, the names of all persons not registered under the foregoing pro-

visions who are known or proven to the satisfaction of the inspectors to be then or thereafter entitled to vote at such election.

§ [160]127. Registration for other than general elections. At the meeting of the board of inspectors in a city or village having five thousand inhabitants or more, for revising and correcting the register for any election other than a general election, the inspectors shall retain upon the register of their respective districts the names of all persons qualified to vote at such election in such district which appear upon the register of electors for the last preceding general election in such election district, except the names of such electors as are proven to the satisfaction of the inspectors to have ceased to be electors of such district since their names were placed upon such register, and shall, at such meeting, add only to such register the names of the persons qualified as electors who shall personally appear before the board. If, however, such elector resides within such election district but without the limits of such village, his name shall be placed upon such register, if it is shown to the satisfaction of such board that he is entitled to vote therein.

In cities any elector who was registered in an election district of such city at the last preceding general election, and who since that time shall have removed into another election district in the same city, and who is otherwise qualified to vote at such special election, shall, upon demand, receive from the board of inspectors of the district in which he was registered for such last preceding general election a certificate duly signed by the said board of the fact that his name was upon such register and has been erased therefrom because of such removal, and his name shall thereupon be erased from such register. Upon presentation of such certificate by the elector to the board of inspectors of the election district in which he resides, his name shall be placed upon the register for such district. The inspectors must note upon the register opposite the name of such elector the fact of such removal, specifying the election district from which he has removed. They shall carefully attach such certificate to the register.

In [cities of one million inhabitants or over] *the city of New York* any elector who was registered in an election district of such city at the last preceding general election, and who since that time shall have moved into another election district in the same city, and who is otherwise qualified to vote [at such special

election] shall at any time [between the issuance of the proclamation calling for such] *more than thirty days preceding any primary or* [special election and] the second Saturday preceding [such] *any* special election personally file with the branch office of the board of elections in the borough where the elector resides an affidavit which shall specify the street address, the election district, the assembly district and county in which he is registered; the street address, election district, assembly district and county to which he has moved, stating that he resides at the last mentioned address and desires to be registered therefrom. Except as hereinafter provided upon the filing of such affidavit the [custodian of primary records] *board of elections* shall *thereupon* register the name of the voter on the registers of electors for the proper election district specifying in the remarks column of such registers the district *and locality* from which such elector is transferred and at the same time the elector's registration shall be stricken from the registers of the election district where the elector formerly resided, [specifying] *a note being made* in the remarks column of such register specifying the district [where] *to which* such elector's name has been transferred [to]; provided, however, that such voter shall appear before the [custodian of primary records] *board of elections, if so required by it* and answer such questions concerning facts relating to his identity as such [custodian] *board* may deem necessary. Such [custodian] *board* shall compare the signature if any on the affidavit with his signature on the register of electors. If the voter be unable to write, the [custodian] *board* shall submit to him, in lieu of requiring his signature, the questions required for the identification statement where an applicant for registry is unable to write. The applicant shall also sign his name in the appropriate column of the register for the district to which his name is transferred. All entries relating to both the enrollment and registration of the elector shall be transcribed in the registers of the district to which he is transferred. The [custodian of primary records] *board* shall not transfer any applicant's registration unless satisfied of the identity of the applicant.

[No elector shall cause his name to be placed upon the register of an election district for any election other than a general election, while his name shall appear upon the register of another district to be used at such election.

Any person who shall violate this provision is guilty of a

felony, and upon conviction shall be punished by imprisonment in a state prison for not less than two nor more than five years.】

In all election districts other than in cities or in villages of five thousand inhabitants or more, the board of inspectors in preparing for an election other than a general election shall add to the register for the last preceding general election the names of such electors as they know are or are satisfied by proof will be on the day of such election entitled to vote thereat, and shall strike therefrom the names of all persons who are known or are proven to their satisfaction to have ceased to be qualified electors of such election district.

§ 【161】128. Registration for town or village elections. No registration of voters shall be required for town or village elections, except as provided in the village law, and except that when a town or village election is held at the same time with a general election all voters in such town or village to be entitled to vote at such town or village election must be registered as provided by law for the registration of voters for any general election in such town or village.

§ 【183】129. Delivery of previous registers to inspectors. Each 【town clerk】 *board of elections* with whom registers of the last preceding general election in any election district, elsewhere than in a city or wholly within a village having five thousand inhabitants or more, shall have been filed, shall cause a copy of such register【, used by a poll-clerk at such election for the entries provided for in section three hundred and fifty-five,】 to be delivered to the board of inspectors of such district at the opening of its first meeting for the registration for any election.

If a new election district shall have been formed in a town since such general election, the board of elections of the county in which such town is located shall, before the first meeting for registration thereafter in such new election district, make a certified copy of each register for such general election of each election district out of which such new district shall have been formed, and shall cause such certified copy to be delivered to the board of inspectors of such new election district at the opening of such meeting for registration. Such board of inspectors, at such meeting, shall place upon the register of voters all persons whose names are upon such copies who are qualified to vote in such election district at the election for which such meeting is held, except the names of persons who are required to personally appear for registration.

If a new election district shall have been formed in a city since such general election, the [clerk or] board with whom the register of voters for such last preceding general election shall have been filed shall, before the meeting of the inspectors of election of such new district for registration for any other election, make a certified copy of each register of voters for such last preceding general election of each election district out of which such new election district is formed, and the inspectors of such new election district shall, at such meeting for registration for such election, place upon the register of voters the names of all persons upon such copies who are qualified to vote in such election district at the election for which such meeting is held.

§ [166]130. Registration days not holidays. No part of a day fixed for the registration of voters shall be deemed a holiday so as to affect any meeting or proceeding of the board of inspectors for registration.

§ [152]131. Conduct of meetings; watchers. *An American flag approximately three feet by five feet in size shall be displayed in each polling place during the hours of registration. Before entering on their duties the inspectors of each district shall appoint one of their number chairman; or if a majority shall not agree upon such appointment they shall draw lots for that position. The inspectors shall act as a board and a majority thereof shall decide.* No inspector shall on any day for registration be absent during the hours fixed for registering the names of electors. *There shall be no smoking in any place of registration during the hours of registration.* Each political party or independent body duly filing or entitled to file certificates of nominations of candidates for offices to be filled at any such election may, by a writing signed by the duly authorized county, city, town or village committee of such political party or independent body, or by the chairman or secretary thereof charged with that duty, and delivered to and filed with one of the inspectors of election, appoint not more than two watchers to attend any meeting or meetings of inspectors for an election district held for the registration of electors thereof. Each watcher must be a qualified elector of the city or county in which the election district for which he or she is appointed a watcher shall be located. Such watchers may be present at such place of registration and within the guard-rail, from at least fifteen minutes before the commencement of the said meeting until after the completion of the duties of the board of inspectors for that day of registration.

§ [164]132. Illiterate and disabled voters. If, at any meeting for the registration of voters, any person entitled to be registered shall appear personally for registration and shall declare to the board of inspectors at the time he applies for registration that he is unable to write by reason of illiteracy, or that he will be unable to prepare his ballot without assistance by reason of blindness, or of such degree of blindness as will prevent him, with the aid of glasses, from seeing the names printed upon the official ballot, loss of both hands, or such total inability of both hands that he cannot use either hand for ordinary purposes, or that he will be unable to enter the voting booth without assistance by reason of disease or crippled condition, the nature of which he must specify, it shall be the duty of the said board of inspectors to administer an oath to such person in the following language, namely: "You do solemnly swear (or affirm) that you will be unable to prepare your ballot without assistance, because," and after the word "because," continuing with a statement of the specific disease, or crippled condition assigned by the person as the cause of his alleged disability, and the said inspectors and each of them shall make a note upon the register of each instances in which such oath is administered, and of the cause or reason so assigned.

§ [167]133. [Preparation of challenge] *Challenge affidavits.* [The secretary of state shall prepare and cause to be printed on good writing paper in book form wherever he deems it desirable for the best interests of the state, a] At least fifteen blank challenge affidavits for each election district in cities and at least ten such blanks for each election district outside of cities *shall be delivered to each board of elections.* [and shall transmit to each board of elections or other officer to whom or which he is required to deliver the register of voters, at the same time and in the same manner as such register of voters is transmitted, a sufficient number of such books of blank challenge affidavits as shall provide one such book for each board of inspectors in each county. and such officers shall transmit the said books to the respective boards of inspectors in the same manner and at the same time as the register of voters. The secretary of state shall also furnish to such board such additional number of such books of challenge affidavits and copies thereof, as hereinafter provided, as in his judgment shall be necessary to replace lost or damaged books and to provide extra books to any election district in which

the supply may be exhausted during the registration of voters. Such extra books shall be furnished by such board to the inspectors upon application by the inspectors or any citizen.】

【§ 168. Form of challenge affidavits.】 Each challenge affidavit shall have a stub attached thereto and separated from such affidavit by a perforated line with a space on such stub for writing the name and the address of the challenged person, and both the stub and affidavit shall bear the same printed number and shall be numbered in consecutive order in each book, beginning with number one. Such challenge affidavit shall be printed in the following form, to wit:

(Stub)

“ Name of applicant.....
Address

(Perforated line)

CHALLENGE AFFIDAVIT

STATE OF NEW YORK, } ss.:
County of, }

Election District

Assembly District (or Ward)

City (or town) of.....

What is your true name?.....

Where do you actually reside?.....

Under what name are you known at that address?.....

Are you a householder?.....

What is the name of the householder with whom you reside?

.....
What is the character of the house in which you reside?
(By character is meant whether it is a hotel, lodging house, tenement, furnished room house, or private dwelling.).....

.....
How old are you?.....

Where were you born?.....

If naturalized, give name of court issuing and date of certificate

What is your occupation?.....

What is the name of your present employer?.....

Where is his place of business?.....

What is the name of your last employer?.....

Where is or was the place of business?.....

When did you last register or vote?.....
From what address did you last register or vote?.....
City or town Street and number
How long have you been an inhabitant of this state?.....
How long have you been a resident of this county?.....
How long have you been a resident of this election district?

.....
Are you married or single?.....
If married, where does your family reside?.....
If single, where do your parents reside?.....
How long do you contemplate residing in this election district?

.....
Give place or places by street and number, the city, town or village of your residence or residences during the past four months

Where did you actually reside immediately prior to taking up your present residence?.....

Have you been convicted of felony?.....

If so, have you been pardoned and restored to all the rights of citizenship?

When? By whom?

Have you made any bet or wager, or are you directly or indirectly interested in any bet or wager depending on the result of the next ensuing election?.....

Have you received or offered to receive, or do you expect to receive, any money or other valuable thing as a compensation or reward for registering or for giving your vote or refraining from voting at the next election?.....

Have you paid, offered or promised to pay, contributed, offered or promised to contribute, to another, to be paid or used, any money or other valuable thing, or made any promise, to influence the giving or withholding of any vote at the next ensuing election?

I, the undersigned, do hereby solmenly swear (or affirm) that the answers to the above questions were given by me and that they are true answers to such questions.

(Signature of applicant.).....

Description of applicant.

HeightColor of hair.....
WeightHair on face
ColorKind of nose.....

Marks on face or hands.....
 Distinguishing marks

I, the undersigned, an inspector of election of the above designated election district, do hereby certify that the within named person did on this day personally appear before the board of inspectors of this election district and did make application to have his name enrolled upon the register of voters of this said election district; that he was challenged and was sworn by me and did make the answers set opposite the printed questions upon this affidavit and signed the same in my presence.

Dated this day of October, 19..

Name Residence

Inspector of election

(To be signed by the inspector administering oath to applicant.)

Witnesses.

Name.....Residence.....Inspector of Election.

Name.....Residence.....Inspector of Election.

Name.....Residence.....Inspector of Election.

(Board of inspectors.)

Name of challenger

Residence of challenger

§ [486]134. Challenge lists. 1. [the state superintendent of elections shall prepare for each election district in the city of New York a challenge list containing the names, alphabetically arranged, and addresses of all persons who, by reason of death, removal, conviction or otherwise, have lost the right to register from the addresses within such election district from which they registered at the last preceding election. Such challenge lists shall be delivered to the respective boards of registry in such city at least one-half hour before the commencement of registration.] It shall be the duty of the chairman of such respective boards of registry to challenge the registration of any person applying to them for registration under any name on [said] *the* challenge lists, *furnished by the state superintendent of elections*, unless it shall affirmatively appear after strict examination of the voter, and, if necessary, others also, that such voter has become domiciled at a new address within the election district. [Said challenge lists shall contain a column headed "remarks" and it] *It* shall be the duty of the chairman of the respective boards of registry to enter in [said] *the* "remarks" column opposite the names on

said lists whether any person applying for registration under any name on said lists who was challenged was allowed to register and the reason for allowing him to register. If a person applies for registration under any name on said challenge lists who is challenged and does not register then there shall be entered opposite such name in the aforesaid column headed "remarks" the words "challenged but did not register." If no person applies for registration under any name on said challenge lists then there shall be entered opposite each such name in the aforesaid column headed "remarks" the words "no application." Any duly accredited watcher shall have the right to examine such challenge list. On each day of registration the chairman of the board of registry shall make the challenges and the entries in the column headed "remarks" as heretofore provided. At the close of the last day of registration said challenge lists shall be signed and certified as true by each member of such board of registry and returned to the state superintendent of elections in a sealed envelope provided therefor by the said state superintendent.

2. [After the last day of registration and before election day in each year the state superintendent of elections also shall prepare for each election district in the city of New York a challenge list containing the names, alphabetically arranged, and addresses of all persons registered in such district during said last preceding period of registration whom he shall have reason to believe, from investigation or otherwise, not to be entitled to vote at said election. Such challenge lists shall be delivered to the respective boards of inspectors in such city at least one-half hour before the opening of the polls of each election.] It shall be the duty of the chairman of the respective boards of inspectors to challenge the vote of any person presenting himself to vote under any name on the [said] challenge lists *furnished by the state superintendent of elections*. Said challenge lists shall contain a column headed "remarks," and it shall be the duty of the chairman of the respective boards of inspectors to enter in [said] the "remarks" column opposite the names on said lists whether any person applying to vote under any name on said lists who was challenged was allowed to vote and the reason for allowing him to vote. If a person applies to vote under any name on said challenge lists who is challenged and does not vote, then there shall be entered opposite such name in the aforesaid column headed "remarks" the words "challenged but did not vote." If no person applies to vote under

any name on said challenge lists then there shall be noted opposite each such name in the aforesaid column headed "remarks" the words "no application." At the close of the polls said challenge lists shall be signed and certified as true by each member of such board of inspectors and returned to the state superintendent of elections in a sealed envelope provided therefor by the said state superintendent.

§ 3. The state superintendent of elections shall prepare duplicates of all challenge lists provided for in this section and he shall keep said duplicate challenge lists on file in his office from the time of their preparation until the close of the third general election following the preparation of said challenge lists. The aforesaid original challenge lists shall also be kept on file for two years after the general election following their preparation.】

§ 【169】135. Challenging applicants for registration. 1. Any person who applies personally to any board of inspectors for registration for any election may be challenged by any qualified elector present or by any qualified watcher present.

2. If such applicant be so challenged, or if any member of the board of inspectors shall have reason to suspect that such applicant is not entitled to have his name registered, the chairman of the board of inspectors or any member of such board is hereby authorized to and shall administer to such applicant the following oath: "You do solemnly swear (or affirm) that you will true answers make to the questions touching upon your qualifications as an elector and such other questions as may be put you tending to establish your identity," and one of the inspectors shall thereupon read to such challenged person each and every question printed upon the challenge affidavit provided for by section one hundred and sixty-eight and shall enter in ink opposite each question the answer thereto given by such applicant. The applicant shall subscribe his name to such challenge affidavit, which shall also be subscribed by the inspector administering the above oath and as witnesses by the other inspectors present, who shall certify over their names the fact that the applicant did apply for registration, that he was duly sworn, and that the answers set opposite the printed questions are the true answers given to such questions by the challenged applicant. The inspector shall also enter in the place provided on the challenge affidavit a description of the person challenged and the name and address of the person challenging. At the same time the blank affidavit bearing the same

number in the book of duplicate challenge affidavits shall be filled out by another inspector and shall be signed by the same persons, so that both affidavits shall be duplicates of each other. If the applicant shall by his answer satisfy a majority of the board of inspectors of his right to be registered, they shall register his name as an elector; if not, they shall point out to him the qualifications which he lacks as an elector and his name shall not be registered except as provided by section one hundred and [fifty-three] *fifty-eight* of this article, and upon any such proceeding the challenge affidavit of such applicant shall be submitted in evidence to such court, justice or judge. If the applicant shall refuse to make oath, to the questions put to him and the answers given thereto by him or shall refuse to answer any questions upon the challenge affidavit, his name shall not be placed upon the register, or if recorded thereon previous to his ascertained qualification as an elector, the inspector shall enter in the remark column after such name the word "disqualified," and no person shall be allowed to vote on such name at the election. When the name of a person who has signed a challenge affidavit shall be registered, the inspectors shall enter in the column headed "remarks" on the register opposite such name the word "affidavit," giving the consecutive number printed on such affidavit.

§ [170]136. Investigation into truth of affidavits. At the close of each day of registration the inspectors of election shall detach from the stubs the challenge affidavits signed by the persons challenged during the day and in cities shall deliver them to the police captain of the precinct in which the election district is located or to an officer thereof, and such police captain or commanding officer of such precinct shall immediately cause an investigation of the truth of such affidavit to be made, and if such investigation shall prove the same to be false in any particular affecting the right of the challenged person to register or vote, the said officer shall deliver the same to the district attorney of the county, together with the evidence of the falsity of such affidavit and the district attorney shall forthwith present the same to the grand jury of such county. In election districts outside of cities such affidavit shall be delivered by the inspectors to the sheriff of the county who shall proceed in like manner. Copies of all such challenge affidavits shall be mailed by the police or sheriff forthwith at the close of each day of registration to the state superintendent of elections, who shall proceed in like manner.

§ [171]137. Duplicate book of challenge affidavits. The secretary of state shall also furnish for each election district a duplicate book of challenge affidavits, but without the stubs. On the outside cover shall be printed "Duplicate Original Challenge Affidavits for Registration," together with appropriate instructions for their use. Such duplicate books shall be delivered to the boards of inspectors of election at the same time and in the same manner as the original books. After the close of registration upon the first registration day such duplicate book shall be kept at all times with the signature copy of the register for the same election district, and shall be produced at each subsequent registration day, and on election day for use when voters challenged upon registration may appear to vote.

§ [172]138. Disposition of challenge affidavits. At the close of the last day of registration the inspectors shall file the book of stubs and unused challenge affidavits with the officer from whom it was received by the inspectors and such officer shall preserve it in his office.

The officer or board with whom the original challenge affidavits or copies thereof are filed may destroy the same six months after the date of the election for which they were made, except those which are to be used in any criminal prosecution.

§ [173]139. Entry requiring challenge by inspectors. If at a meeting of the board of inspectors for registration, any voter shall, upon oath, declare that he has reason to believe that any person on the register of voters will not be qualified to vote at the election for which the registration is made, the board of inspectors shall place the words "to be challenged" opposite the name of such person, and when such person shall offer his vote at such election, the general oath as to qualifications shall be administered to him, and if he shall refuse to take such oath he shall not be permitted to vote.

§ [174]140. Production of naturalization papers. It shall be the duty of every naturalized citizen before being registered to produce to the inspectors, if any inspector shall require, his naturalization papers or a certified copy thereof for their inspection, and to make oath before them that he is the person purporting to have been naturalized by the papers so produced, unless such citizen was naturalized previous to the year eighteen hundred and sixty-seven. If, however, such naturalized citizen can not for any reason produce his naturalization papers, or a certified copy thereof, the board of inspectors, or a majority of such

board may place the name of such naturalized citizen upon the register of voters upon his furnishing to such board evidence which shall satisfy such board of his right to be registered.

【§ 174-a. Proof of citizenship by marriage. Before registering in any district in which personal registration is required, and before voting in any other district, it shall be the duty of every woman who is or becomes a citizen by marriage to produce to and file with the inspectors at the time of registering or voting, as the case may be, if any inspector shall require, additional proof by affidavit of her right to vote at such election. In such affidavit she shall state the true name of her husband, the date of the marriage, the place where such marriage was performed, the number of years she has been an inhabitant of the United States, and the place or places, including the street address, at which she has resided during the five years next preceding the date of the election at which she desires to vote, the residence of her husband, and that, either she is residing with her husband at the address from which she intends to register or vote and that he resides at such address, or that her husband is dead, or that she is living separate and apart or has been divorced from him as the case may be, and if so separated or divorced his present residence if known to her, and in the case of citizens by reason of marriage to naturalized citizen she shall also present his naturalization papers or a certified copy thereof, or in default thereof she shall show in said affidavit the court by which and the date on which he was naturalized, that she has made a bona fide effort to obtain a certified copy of such naturalization papers and the reason for her default. Such affidavit may be sworn to at the time of registration or voting as the case may be before any inspector of elections, and shall be preserved and disposed of as is the signature copy of the register of voters under the provisions of the election law.

Blanks for such affidavits for proof of citizenship by marriage shall be provided by the custodian of primary records for each election district, equal in number to the number of sample ballots required to be furnished for such election district at the last preceding general election. One of such certificates shall be furnished upon application during the hours for registering and voting on any day of registration or election to any woman claiming to be a citizen by marriage entitled to vote in such election district.】

§ [156-a]141. Provisions applicable to registers in all election districts where registration is required to be personal. 1. The provisions of this section shall apply to all election districts in which the registration of electors is required to be personal.

2. One of the inspectors of election at each place of registry on a day of registration shall be designated by the board of inspectors to ask each person presenting himself for registration the questions required by law, and it shall be the duty of such inspector to question such person respecting the information required to be entered on such day in any column of the register. It shall be the duty of each inspector to enter in ink in the appropriate column of the copy of the registry made by him the answer given to each question by each elector.

3. If the elector alleges his inability to sign in the cases provided for in either of the foregoing sections, one of the inspectors, designated by the chairman, shall read to the elector the following list of questions from a book to be furnished said inspector and to be known as "identification statements for registration day," and said inspector shall write down in said book the answers of the elector to said questions: What is your true name? What is or was your father's full name? What is or was your mother's full name? What is your occupation? What is the name of your present employer? If unemployed, what is the name of your last employer? Where is or was his place of business? Are you married or single? Where did you actually reside immediately prior to taking up your present residence; state floor and character of premises? At the bottom of each list of questions shall be printed the following statement: "I certify that I have read to the above named elector each of the foregoing questions and that I have truly recorded his or her answers as above to each of said questions," and said inspector who has made the above record shall forthwith sign his name to said certificate and date the same. The above questions shall be printed on separate sheets of paper which shall be furnished said inspector bound together in book form and numbered consecutively, and the number corresponding to the number on each sheet containing said list of questions shall be entered when the questions have been answered, in the signature copy of the register, in the column reserved for signatures and numbers of identification statements. Said book of "identification statements for registration day" shall be kept at all times with the register in which the electors

sign their names as hereinbefore provided. A sufficient number of identification statements for registration and election days, bound in book form shall be furnished to each board of inspectors in the same manner as the registration and poll-books are now furnished to said boards of inspectors. The lines in the registers shall be one-half inch apart. The election officers shall not prefix to the christian or given name of an elector nor shall the elector prefix to the christian or given name in her signature the abbreviation "Mrs.", nor shall the initials of an elector's husband be included as part of the name of elector.

§ [154]142. Register of voters. The board of inspectors of each election district in the state shall, at their meetings for registration for the general election in each year, make a quadruplicate register, one copy by each inspector—in the forms hereinafter prescribed, of those persons, and none other, who are or will be qualified to vote in such district at such election, which register when finally completed, shall be the register of voters of the district for such election. Such register shall also be used at all other elections held in such district during the year succeeding the election for which it is made, except for town meetings and village elections for which no registration is required.

§ 155. Form and contents of register outside of a city of over one million inhabitants. This section applies only to election districts outside of a city of over one million inhabitants. The leaves of the register shall be indexed from A to Z. The register for election districts in which registration is required to be personal, as to any of the electors, shall be arranged in thirty-eight columns, and for election districts in which such registration is not required to be personal shall be arranged in twenty colums. The register for any election district shall have the first nineteen columns described below. If the register be for an election district in which registration is not required to be personal, it shall have only the first nineteen columns and the "registration remarks" column, which shall be the twentieth column, in the form prescribed for the thirty-eighth column in registers for other election districts. Subject to the foregoing provisions, the register shall be arranged and prepared as follows:

1. In the first column there shall be entered, at the time of the completion of the registration on the last day for registration, a number opposite the name of each person so registered, beginning with "one" opposite the first name entered in the page indexed

A and continuing in numerical order to and including the last name entered upon the last page of such register. In the second column shall be entered the number on the enrollment blank of the voter. On each day of registration there shall be entered in the third column the surnames of such persons in the alphabetical order of the first letter thereof, on the page bearing the index letter of such surname, and in the fourth column the Christian name or names of such persons, respectively. On each day of registration, the residence address of each elector shall be entered as follows: in the fifth column, the rural free delivery number, if any; in the sixth column, the street number, if any; in the seventh column, the name of the street or avenue, if any; and in the eighth column, the name of the town, city or village. If the elector's residence cannot be described by street or avenue, a brief description of the locality of his residence shall be entered in the seventh column. The ninth column shall be reserved for the name of the party with which the elector enrolls, to be entered by the custodian of primary records, at the time prescribed by this chapter. The tenth to the fifteenth columns, inclusive, shall constitute the "primary poll-book" section of the register, and the columns therein shall be reserved for use, in the manner provided in section seventy-seven-a, at the spring and fall primaries, as follows: the tenth column for number on ballot delivered to voter at the spring primary, the eleventh column for number on ballot voted at such primary and the twelfth column for remarks, including record as to challenges, at such primary; the thirteenth column for number on ballot delivered to voter at the fall primary, the fourteenth column for number on ballot voted at such primary, and the fifteenth column for remarks, including record as to challenges, at such primary. The sixteenth, seventeenth and eighteenth columns shall constitute the "general election poll-book" section of the register, and the columns therein shall be reserved for use, in the manner provided in article ten, at such election, as follows: the sixteenth column for number on ballot delivered to voter, the seventeenth column for number on ballot voted and the eighteenth column for remarks, including records as to challenges, at such election. In the nineteenth column shall be entered, on each day of registration, the date of registration of elector. The foregoing, together with a final column for "registration remarks," constitute the register where registration is not required to be personal as to any of the electors.

2. In election districts in which registration is required to be personal as to any of the electors, the register shall have the nineteen columns above described and continue with the columns described in this subdivision, wherein the entries provided for, with respect to any elector, shall be made on the day of his or her registration. In the twentieth column shall be entered the number of the room or floor occupied by the elector at the residence given by him or her. In the twenty-first column shall be entered the full name of the householder, tenant, subtenant or apartment lessee with whom the elector resides. In the twenty-second column shall be entered the elector's age, except that an elector over thirty years of age may state such age as "over thirty" and have is so entered in the register. In the twenty-third column shall be entered, if the elector be a citizen by marriage, the length of time that the elector has been an inhabitant of the United States. The twenty-fourth column shall be entitled "married or single?" and the appropriate word shall be entered in such column. In the twenty-fifth, twenty-sixth and twenty-seventh columns shall be entered the elector's length of residence by years, months and days, as the case may be, in the state, county and election district, respectively. In the twenty-eighth column shall be entered the country of the elector's nativity, which shall mean the country, state or province of the elector's birth, irrespective of his former political allegiance. In the twenty-ninth column, if the elector be a naturalized citizen, shall be entered the date of the naturalization certificate under which such citizenship is claimed, or, in the case of a woman who claims citizenship by marriage, the name of the person to whom married and if the husband was a naturalized citizen the date of his naturalization certificate. In the thirtieth column shall be entered the designation of the court issuing any such naturalization certificate. In the thirty-first, thirty-second, thirty-third and thirty-fourth columns shall be entered respectively the name of the state, the city or town, and the street number and the name of the street or avenue of the residence of such person from which such person last registered or voted, and the year in which he last registered or voted. In the thirty-fifth column shall be entered if the elector is in business for himself or with others the name under which he is so in business, or, if the elector is employed by some other person, the name of his present employer. If he is not in business and has no employment the word "none" shall be entered, together with the name under

which he was last in business or the name of his last employer, if any. In the thirty-sixth column shall be entered the street and number, or if it has no street number, a brief description of the location of the place, if any, where he is so in business or employed, or, if unemployed, the place, if any, where he was last in business or employed. The information required to be stated in the thirty-fifth and thirty-sixth columns shall only be asked in the event that the person offering to register shall not have registered in the same county in the general election immediately preceding. The thirty-seventh column shall be reserved for the signature, at the time of registration, of any elector who registers in any such district, or in case such elector alleges his inability to write, for entering therein the number of the identification statement for registration day made by such elector as hereinafter provided. Above each horizontal line in the said thirty-seventh column shall be printed the words "the foregoing statements are true" and the elector shall at the time of registration, sign his name by his own hand and without assistance, using an indelible pencil or ink, below such words on the horizontal line in the register of electors, which register shall be known as the "signature copy." Said signature copy shall be one of the registers, other than the public copy, which signature copy shall be kept by an inspector of opposite political faith from the chairman, and shall be used at the polls on election day. The said thirty-seventh column, in a different copy of the register, being one of the copies to be used for poll-book entries, shall be reserved for the signature or number of identification statement of elector on the day of the general election. In the thirty-eighth column, being also the final or twentieth column in election districts in which the registration is not required to be personal, shall be entered, opposite the name of each elector, under the heading "registration remarks" the facts regarding challenges, oaths and other facts affecting such elector required to be recorded, including sex of elector, to be indicated by initials "M" or "F," for male or female, as the case may be.

3. Subject to the provisions of this section, the register shall be in substantially the following form:]

§ [156]143. Form and contents of register [in a city of over one million inhabitants]. [This section shall apply only to election districts within a city having more than one million inhabitants. In all election districts in any such city, the] *The*

register shall be arranged in [thirty-one (at the general election preceding a presidential primary, thirty-two)] *thirty-four* columns *except that in a district where registration is not required to be personal the register shall have fourteen columns, the columns numbered seven to twenty-six hereafter described shall be omitted and the columns numbered twenty-seven to thirty-four hereafter described shall be numbered seven to fourteen.* The leaves thereof shall be indexed from A to Z. The first column of the register shall be entitled "Registration [No.] Number of Voters," and in such column shall be entered at the time of the completion of the registration on the last day for registration, a number opposite the name of each person so registered, beginning with "one" opposite the first name entered in the page indexed A and continuing in numerical order to and including the last name entered upon the last page of such register. Columns two to twenty-six inclusive shall be filled in on each day of registration as each voter is registered, and the remaining columns at the times respectively provided. All such columns shall be appropriately entitled to indicate their purpose. In the second column shall be entered the date of the registration of each voter. In the third column shall be entered the surname of such persons in the alphabetical order of the first letter thereof, on the page bearing the index letter of such surname. In the fourth column shall be entered the christian or given name or names of such persons respectively. In the fifth and sixth columns shall be entered the residence number or other designation, and the name of the street or avenue of such residence or a brief description of the locality thereof. In the seventh column shall be entered the number of the floor or room occupied by the elector at the residence given by him. In the eighth column shall be entered the full name of the householder, tenant, subtenant, or apartment lessee with whom the elector resides. In the ninth column shall be entered the elector's age, except that an elector over thirty years of age may state such age as "over thirty" and have it so entered in the register. In the tenth column shall be entered, if the elector be a citizen by marriage, the length of time that the elector has been an inhabitant of the United States. The eleventh column shall be entitled "Married, *widowed* or single?" and the appropriate word shall be entered in said column. In the twelfth, thirteenth and fourteenth columns shall be entered the length of the elector's residence by years, months

and days as the case may be, in the state, county and election district, respectively. In the fifteenth column shall be entered the country of his nativity, which shall mean the country, state or province of the elector's birth, irrespective of his former political allegiance. In the sixteenth and seventeenth columns, if the voter be a naturalized citizen, shall be entered the date of the naturalization certificate under which the elector claims citizenship and the court issuing such naturalization certificate. If the elector be a woman claiming citizenship by marriage, there shall be entered in the sixteenth column the name of the person to whom married and if the husband was a naturalized citizen the date of his naturalization certificate, and in the seventeenth column the court issuing such certificate, if any. In the eighteenth, nineteenth, twentieth and twenty-first columns shall be entered respectively the name of the state, the city or town, the street number and the name of the street or avenue of the residence of such person from which such person last registered or voted, and the year in which he last registered or voted. In the twenty-second column shall be entered, if the elector is in business for himself or with others, the name under which he is so in business, or, if the elector is employed by some other person, the name of his present employer. If he is not in business and has no employment, the word "none" shall be entered, together with the name under which he was last in business or the name of his last employer, if any. In the twenty-third column shall be entered the street and number, or if it has no street number, a brief description of the location of the place if any, where he is so in business or employed, or, if unemployed, the place, if any, where he was last in business or employed. *If the elector has previously registered from the same house or within the boundaries of the same election district no entry shall be made in the twenty-second and twenty-third columns.* In the twenty-fourth column shall be entered the number on the enrollment blank given to the voter to enable him to enroll as provided in this act. The [twenty-fourth] twenty-fifth column shall be reserved in the chairman's copy of the register for the signature of any elector who registers personally, at the time of registration, or, in case the elector alleges his inability to write, for entering therein the number of the "identification statement for registration day" made by such elector as hereinafter provided[,] in the copy of the register of an inspector of

opposite political faith than the chairman for the signature of the voter on election day, in the copy of the register of the inspector of the same political faith as the chairman for the signature of the voter on the first primary day, and in the other copy of the register for the signature of the voter in the second primary day or at a special election, if any, whichever shall first occur. [Above each horizontal line in the said twenty-fourth column shall be printed the words "the foregoing statements are true" a] And the elector shall at the time of personal registration, sign his name by his own hand and without assistance, using an indelible pencil or pen and ink, [below such words] on the horizontal line in the register of electors, which register shall be known as the "signature copy" [Said signature copy shall be one of the registers, other than the public copy, which signature copy shall be kept by an inspector of opposite political faith from the chairman, and shall be used at the polls on election day]. In the [twenty-fifth] *twenty-sixth* column the [person] *inspector* who has personally made the entries aforesaid in registering the voter *or comparing his signature*, shall sign his own initials in evidence thereof, which signature must be made at the same time that the voter is registered *or votes*. [In the twenty-sixth column shall be entered the number on the enrollment blank which is given to the voter to enable him to enroll in a party as provided in article two of this law. The twenty-seventh column shall be reserved for the entry of the name of the party, if any, in which the voter enrolls, or other statement, as provided in said article two of this law.] The [twenty-eighth] *twenty-seventh* column shall be entitled ["No. on stub, election day,"] "*Number on Ballot Delivered to Elector*" and shall be reserved for entering therein the consecutive number on the stub of the official ballot or set of ballots delivered to such voter on *the general* election day. The [twenty-ninth] *twenty-eighth* column shall be entitled ["No. of stub, first primary,"] "*Number on Ballot Voted*" and shall be reserved for entering therein the consecutive number on the stub of the official ballot cast by such voter [at the first official primary, whether spring or fall, following the] *at such general election which shall be entered therein by the inspector at the time the ballot is voted* [for which such registration was made. The thirtieth column shall be entitled "No. of Stub, Second Primary," and shall be preserved for entering therein the consecutive number

on the stub of the official ballot cast by such voter at the next succeeding official primary held prior to the next enrollment, or should an official primary be held, for the entry of the word "Yes" to indicate that such voter voted at such primary. In preparing the registers for the general election next preceding a presidential election an additional column (the thirty-first in such case) shall be included, entitled "No. of Stub, Third Primary," and shall be reserved for use at a third primary, if any, as above provided for a second primary in other years. **¶** *The twenty-ninth column shall be entitled "Party of Enrolled Voter," and shall be reserved for the entry of the name of the party, if any, in which the voter enrolls. The thirtieth column shall be entitled "Number on Ballot Delivered to Elector," which shall be reserved for entering therein the consecutive number on the stub of the official ballot delivered to each voter on the first primary. The thirty-first column shall be reserved for the number of the stub on the ballot voted by the elector at the first primary, which shall be entered therein by the inspector at the time the ballot is voted. The thirty-second column shall be entitled "Number on Ballot Delivered to Elector," and shall be reserved for entering therein the consecutive number on the stub of the official ballot delivered to each voter at a second primary or at a special election, if any, whichever shall first occur. The thirty-third column shall be reserved for the number of the stub voted by the elector at such primary or special election, which shall be entered therein by the inspector at the time the ballot is voted. The thirty-fourth and last column in the register shall be entitled "Remarks regarding challenges, oaths, and other facts required to be recorded" **[.]**, and shall be reserved for the entry therein by the inspector, of the sex of each elector, to be indicated by the initials "M" or "F," for male or female, as the case may be, and of each person who shall, at either registration or at a general primary or special election, have been challenged and taken either of the oaths prescribed upon such challenge, or who shall at such elections have received assistance in preparing his ballot, the entry to specify the time of such challenge or assistance and the names of the persons who rendered such assistance and the cause or reason assigned for such assistance by the elector assisted. **¶** and in such column shall be entered, opposite the name of each voter, with the date of each such entry, such record of challenges, oaths, and other facts relating to him as this law requires to be entered in the register and not otherwise*

provided for, including sex of elector, to be indicated by initials "M" or "F," for male or female, as the case may be.] The pages of the register shall be consecutively numbered, and shall be substantially in the following form:

§ 144. *Poll books for additional elections.* Where in any district a fourth election, either primary or special, shall be held, there shall be furnished two poll books, arranged alphabetically, with columns for the name, residence and signature of voters, initials of inspector, number of ballot received and number of ballot voted, which shall be used to verify the signature of the elector and record the number of the ballot received and voted by him in the manner prescribed with regard to said matters in the preceding sections. If it is apparent there is to be a fifth or further election the board of elections may provide for taking the record of all of them in the same poll books.

§ [6]145. Voting booths and enrollment boxes. There shall be erected in the place of registration [The board or officers authorized to furnish voting booths] in each election district [for use at the general election shall cause] at least two voting booths of the same kind and description as voting booths used at general elections, [to be erected in each place of registration before the first day of registration in each year,] and such booths shall be and remain in said place[s] of registration during the registration at the regular meetings for registration during that year; and [it shall be the duty of such board or officer to furnish] in each voting booth so erected *shall be* the same articles as are required by law to be placed therein for a general election, which articles shall remain therein during such registration. [Such board or officer shall also provide in like manner] *There shall also be provided* one enrollment box in each place of registration of sufficient capacity to hold all the enrollment blanks which are to be furnished for such place of registration, which shall be similar to the ballot boxes prescribed by law to be used at a general election. [Such board or officer shall also in like manner provide at each polling place on general election day, in] *In each election district wholly outside of a city or village having five thousand inhabitants or more, or partly within and partly outside of any such village, there shall be provided on general election day* two such voting booths, for the enrollment of voters, the needed articles therefor, and an enrollment box, as above provided.

§ [7]146. Enrollment blanks. There shall also be prepared by the custodian of primary records at public expense, to be borne in the same manner as the expense of furnishing official ballots, and delivered by such custodian with the enrollment books, such number of enrollment blanks for each election district as will exceed by at least twenty-five and not more than fifty the total number of voters registered in such district. The custodian may also prepare and have ready for emergencies a reasonable number of enrollment blanks without any of the blank spaces filled in, to be furnished in any year for any election district when necessary. The enrollment blanks shall be printed on white paper, and on the face thereof shall be printed the following, or the substance thereof, the regular blanks furnished in the first instance for each election district to be filled in in type so far as possible:

“Primary enrollment for the year city
(or village or town) of; county of
.....; assembly district
(or ward or town); election district;
enrollment number

“Name of voter

“I,, who have placed a mark underneath the party emblem hereunder of my choice, do solemnly declare that I am a qualified voter of the election district in which I have registered or voted, and that my residence address is (the residence address as it appears in the register, if the enrollment be made on a day of registration, and as it appears in the poll book if the enrollment be made on the day of general election, is to be inserted in such space); that I am in general sympathy with the principles of the party which I have designated by my mark hereunder; that it is my intention to support generally at the next general election, state or national, the nominees of such party for state or national offices, and that I have not participated in any primary election or convention of any other party since the first day of last January. The word ‘party’ as used herein has the meaning defined by the election law.

..... party.

(Insert emblem.)



..... party.

(Insert emblem.)



“Make a cross \times mark, with a pencil having black lead, in the circle under the emblem of the party with which you wish to enroll, for the purpose of participating in its primary elections during the next year.”

The circles underneath the emblem shall be three-quarters of an inch in diameter, and in them nothing shall be printed. The party emblems shall be the same as those which were on the ballots for each party respectively at the last preceding general election, and such emblems shall be so arranged on each blank that the emblem of the majority party at the last preceding general election of a governor shall be first, and the other emblems shall follow in order in accordance with the vote cast for such office at such election; over each emblem shall be printed, in type clearly legible, the name of the party represented by such emblem. The enrollment blanks shall have thereon the names of those parties only to which this article is applicable.

§ [8] 147. Delivery of enrollment blanks to voters on days of registration. When, in any political subdivision of the state, a voter shall, at any of the regular meetings for registration in any year, present himself personally to the board of election inspectors in any election district for registration, and after he shall have been registered, and not before, as a qualified voter of that election district for the next ensuing general election, or if, where his registration was not required to be personal and he was so registered without personal application, he shall present himself personally to such board for enrollment only, the members of such board shall forthwith and before such voter leaves the place of registration, enter his enrollment number, beginning with number one for the first voter enrolled on the first day, and so on in numerical order, opposite his name, in the appropriate column of the registers. An inspector of opposite political faith shall be designated by the chairman to write the name

of the voter on the blank having the enrollment number which shall be opposite his name on such registers, and such inspectors shall fill in the other blank spaces on the enrollment blank, and shall deliver to such voter an enrollment blank having his name on it. No voter shall be given more than two enrollment blanks in any event, nor more than one blank unless he shall spoil, deface, improperly mark, or otherwise destroy the first blank given him. In case a second blank is given him, such members of the board shall draw a line through such voter's previous enrollment number in such registers and shall insert in the same column opposite the name of the voter, the number which shall be upon the new blank to be given him, which number shall always be the lowest number of the enrollment blanks then unused in such election district.

§ 9. Delivery of enrollment blanks to voters on election day where registration is not personal. When, in any town or village in which personal registration is not required, or in an election district a part of which comprises territory in which such personal registration is not required, a registered voter whose registration was not personal nor required to be personal, and who was not enrolled on a day of registration, shall present himself to the board of election inspectors in an election district *may be enrolled in like manner* at a general election for the purpose of receiving an official ballot to be voted thereat, and thereat after he shall have voted. A member of such board, of opposite political faith from the chairman, to be designated by the chairman, shall forthwith, and before such voter leaves the polling place, enter his enrollment number, beginning with the lowest enrollment number then unused, and so on in numerical order, opposite his name in the appropriate columns of two registers, and shall write his name on the enrollment blank having the enrollment number which shall be opposite his name on such registers, shall fill in the other blank spaces on such enrollment blank, and shall deliver to him an enrollment blank having his name on it; the poll clerks shall also enter in the column therefor in their registers the number on the enrollment blank. No voter shall be given more than two blanks in any event, nor more than one blank unless he shall spoil, deface, improperly mark, or otherwise destroy the first blank given him. In case a second blank is given him, such member of the board shall draw a line through such voter's previous enrollment number in such registers and

shall insert in the same columns, opposite the name of the voter, the number which shall be upon the new set to be given him, which number shall also be the lowest number on the enrollment blanks then unused in such election district. Enrollment blanks shall be numbered consecutively, beginning the one succeeding the last number used on the last preceding day of registration.】

§ **[10]** 148. Enrollment by voters. Such voter desiring to enroll shall then enter a voting booth in said place of registration or polling place, and, after having closed the door thereof, may make a cross \times mark with a pencil having black lead in the circle underneath the emblem of the party of his selection and thereupon fold said enrollment blanks so as to conceal the face thereof, and, before leaving the place of registration or polling place, shall forthwith deposit the same, as so folded, in the enrollment box in said place of registration or polling place in the presence of the inspectors of election, without in any way indicating the party with which he has or has not enrolled. If a voter declines to enroll, he may return the blank to the inspector in charge of the enrollment box, and the inspector in charge of enrollment shall endorse the name of such voter thereon and deposit the same in the enrollment box, and shall enter opposite his name in the space reserved for the name of a political party, the word "no." One mark crossing any other mark at any angle within the circle shall be deemed a cross mark within the meaning of this article.

§ **[11]** 149. Examination, sealing and custody of enrollment boxes. Before the entry of any enrollment number or the delivery of an enrollment blank to any voter, in any year, the said enrollment box shall be examined by the board of election inspectors and when empty shall be locked and sealed by them in such a manner that should it be opened such seal would be broken; and the same shall remain so locked and sealed until the same shall be opened by the custodian of primary records as hereinafter provided. 【Said boxes shall be in the charge and keeping of the custodian of primary records at all times except during hours of enrollment.】

§ **[485]** 150. Card lists of registered electors. The board of inspectors of each election district shall on each day of registration transfer to cards, to be provided for that purpose by the secretary of state, which cards shall be in form and style approved by the state superintendent of elections, a complete copy of the

name of each person registered in their respective districts, together with all of the answers made and information given by the person registered, at the time of registration, and such cards, inclosed and sealed in a cover to be provided for that purpose by the secretary of state, shall be delivered personally or by mail forthwith by the chairman of the board of inspectors together with a statement on a blank form, to be furnished by the secretary of state after approval by the state superintendent of elections, that the cards delivered contain a correct copy of all the names registered and information given by the persons so registered, to the state superintendent of elections at one of his offices to be designated by him.

In [cities of the first class] *the city of New York* the board of inspectors of each election district shall also on each day of registration transfer to the cards, to be provided for that purpose by the secretary of state, which cards shall be in form and style approved by the state superintendent of elections, a complete copy of the name of each person registered in their respective districts, together with all of the answers made and information given by the persons registered, at the time of registration and such other and further information as may be required by said card and such cards, inclosed and sealed in a cover to be provided for that purpose by the secretary of state, shall be delivered personally forthwith by the chairman of the board of inspectors together with a statement on a blank form, to be furnished by the secretary of state after approval by the state superintendent of elections, that the cards delivered contain a correct copy of all the names registered and information given as required by said card, to the police department of said city at such office as shall be designated by said police department.

§ [176] 151. Daily certification of register. At the close of each meeting for the registration of voters, for a general or other election in a city, or in an election district wholly within a village having five thousands inhabitants or more, the inspectors shall *draw a line in ink immediately below the name of the voter last entered upon each page of said register and shall append to each book of registration their certificate to the effect that such register as it now is, comprising (here insert the number) names, is a true and correct register of the names and residences of all the voters qualified to vote at such election in such district, and enrolled therein who have personally appeared before the board of*

registration. [and such registers so certified shall be presumptive evidence that the names and places of residence contained therein are the names and places of residence given by the persons registered respectively.] *During the days of enrollment the box shall be in the custody of an inspector appointed by the chairman, of opposite political faith than himself.*

At the close of each meeting for the registration of voters for a general or other election elsewhere than in a city, or in a district wholly within a village having five thousand inhabitants or more, the inspectors shall append to each book of registration a certificate to the effect that such register as it now is, comprising (here insert the number) names, is a true and correct register of all voters qualified to vote at such election in such district *and enrolled therein* who have personally applied for registration, or whose names the board was required by law to place thereon.

Each such certificate shall be signed by all the inspectors, but in case one inspector required to sign such certificate shall fail for any reason so to do, he may be required by the officer with whom such register is filed to sign such register at a subsequent date. In all cases a minority of the inspectors must sign such certificate at the close of each day of registration.

§ [12] 152. Certification of registers, at close [with respect to enrollment occurring on a day] of registration. At the close of the last meeting for registration in each year the board of election inspectors shall severally subscribe and verify four declarations, one of which shall be printed in or attached to each of the original registers. Such declaration shall be to the effect that *such register is a true and correct register of the persons registered by them in such district*, the persons shown by such registers are the only persons who registered personally as voters (or, where personal registration was not required, that the persons having enrollment numbers on any such registers are the only registered voters who appeared personally for registration or enrollment) in that district on any of said days of registration and that each voter who appeared personally was given or tendered an enrollment blank and shall set forth the number of the last enrollment blank used on such last day of registration.

§ [177] 153. [Making up the registers; custody thereof] Custody of registers after registration. 1. The register of voters made by the *inspector of the same political faith as the chairman*

of the board of inspectors shall be, and shall be known as, the public copy of registration. Such public copy shall be left in a prominent position in the place of registration from the first day of registration until election day, and shall at all reasonable times be open to public inspection and for making copies thereof. When the place of registration is in a school house, or other public building, authorized to be so used under subdivision three of section [two hundred and ninety-nine] *forty-five*, such public copy shall be left in the custody of the janitor or some other person in charge of the building, who shall be responsible therefor, and a notice shall be kept publicly posted stating how inspection thereof is to be obtained. *When there is no responsible person at a polling place with whom such copy can be left it shall be placed in the custody of the nearest police precinct station.*

2. Each other inspector shall carefully preserve his register of voters and shall be responsible therefor, until the close of the canvass of the votes on election day [except as hereinafter provided for in cities of the first class].

[3. At the close of each day of registration the inspectors shall draw a line in ink immediately below the name of the voter last entered upon each page of each such register. Upon the succeeding day of registration, they shall enter the names of voters in the alphabetical order of the first letter of the surname below the line so drawn upon the proper page after the close of the previous day of registration.

4. Upon the close of the last day of registration, the inspectors shall again carefully compare all the books of registration, to see that they are identical as to their contents, other than as to enrollment entries and numbers, and that the two registers used for party enrollments are identical as to such enrollment entries and numbers, and shall certify as a board in the proper place provided therefor upon each such register that such register is a true and correct register of persons registered by them in such district for the next ensuing election, and shall state the whole number of such persons so registered.]

[§ 178. Custody and filing of registers after registration in cities of first class.] [1.] 3. In [cities of the first class.] *the city of New York* at the close of the last day of registration, the chairman of the board of inspectors shall take from an inspector of opposite political faith from himself, the register of voters made, by such inspector, and deliver it to the police, who

forthwith shall file the same, if in the city of New York, with the board of elections in the borough of Manhattan, and with the chief clerk of the branch office of the board of elections in each other borough [and if in any other city, with the commissioner of elections. Such registers so filed shall be a part of the records of the office in which they are filed.] The two other inspectors of opposite political faith from each other shall retain their respective registers of voters for use on election day. [except as provided in subdivision two of this section.]

[2. In the city of New York at the close of each day of registration the chairman of the board of inspectors shall take the signature copy of the register of voters and the book of identification statements for registration day and deliver them to the police, for safe keeping in the station house of the police precinct in which the polling place is located. The police shall return the same to the inspector having charge thereof immediately before the hour of the beginning of the next meeting for registration or of the opening of polls on election day. Such inspector shall also be entitled to the possession of such register and book whenever necessary under the provisions of section one hundred and fifty-three of this chapter, and the board of elections shall be entitled to the delivery to it of such register and book upon demand.]

[3]4. All registers of voters shall at all reasonable hours be accessible for public examination and making copies thereof, and no charge of any kind shall be made for such examination or for allowing any voter to make a copy thereof. [In cities of the first class the public copy of registration shall be used, if necessary, on election day by the inspectors whose register was filed by the chairman as herein provided.]

§ [181]154. Certifying number of registered electors. At the close of registration on the last day the board of inspectors shall upon blanks furnished by the secretary of state forthwith certify and file with or mail to the officer or board charged with the duty of furnishing ballots to such district and to the state superintendent of elections the total number of electors registered in such district. The inspectors of each district shall also furnish to the same officials in like manner at the close of each day of registration the total number of electors registered on such day in their respective districts. The chairman of the board of inspectors of election of each district shall also forthwith at the close of each day of registration file with or mail to the state

superintendent of elections a certificate showing the total number of voters registered therein in the respective election districts.

§ 155. *Return of ballot box.* In election districts where personal registration is required the enrollment box shall be returned by the inspectors of election to the police to be delivered to the board of elections immediately after the last day of registration. In districts where personal registration is not required the box shall be returned to the board of elections within twenty-four hours after the close of the polls on general election day, by the inspector designated to deliver the returns.

§ [165]156. Change of residence within election district. If any voter after being registered shall change his place of residence within the same election district, he may appear before the board of inspectors of such district on any day of registration, or on the day of election, and state under oath that he has so changed his residence, and the board of inspectors shall thereupon make the proper correction upon the register of such district.

§ 157. Preparation and distribution of registry lists; investigation of false registration. The board of inspectors of each election district shall, immediately after the close of the last day of registration, make and complete one list of all persons registered in their respective districts, in the numerical order of the street numbers thereof, which list shall be signed and certified by the board of inspectors. Such list shall be delivered by the chairman of the board of inspectors to the police captain of the precinct, if any, in which the election district is located, or an officer thereof, or to the town clerk, who shall forthwith deliver the same to the board of elections in the county in which such election district is located. The board of elections of each county containing a city of the first or second class and the board of elections of the city of New York, as soon as possible after the delivery of such lists, and, in the city of New York, within one hundred and eight hours after the close of each annual registration, and elsewhere not less than six days prior to the day of election, shall print in pamphlet form for each ward of any such city within their respective counties, or for each assembly district in the city of New York, not less than [twenty-five] fifteen times as many copies of said registration list as there are election districts in such assembly district or ward, so that each assembly district or ward pamphlet shall contain the lists of the several

election districts in such assembly district or ward. Upon the written application of the chairman of the executive committee of the county committee of any political party whose candidates are entitled to a place upon the official ballot to be voted at the election for which the registration is made, the board of elections of such city or of any such county, as the case may be, shall respectively deliver to such chairman **[five]** *two* copies of each assembly district or ward pamphlet for each election district within such city, or, in the city of New York, within each assembly district of the county which such county committee represents. **[Two]** *One* pamphlet**[s]** containing the lists of the registered persons in the election districts within his precinct shall be furnished to each police captain in all such cities. It shall be the duty of every police captain in every city of the state to forthwith cause an investigation of each name registered in his precinct to be made and to report to the state superintendent of elections at his office in such city or at such other office as such superintendent may in writing designate any case of false registration there found. In any city of the state in which registration lists are not printed, including third class cities, it shall be the duty of the board of elections of the county or of such city to afford necessary facilities, including clerical assistance, to every such police captain in transcribing the whole or any part of the registration lists in aid of the duty of investigation imposed on him under the provisions of this section. The board of elections in each county shall furnish to the state superintendent of elections **[three]** *two* copies of each pamphlet printed by it. The remaining pamphlets so printed shall be distributed in the discretion of the said boards, which shall have respectively the power to charge for each pamphlet a sum not exceeding **[ten]** *twenty-five* cents a copy, and any moneys resulting from the sale thereof shall be paid to the comptroller of the city of New York or county treasurer of the county for the benefit of the treasury of such city or county. The boards of election shall contract for the printing of such lists of registered electors with whomsoever it may seem to said board to be most advantageous to so contract, but such contract shall only be awarded after proper public notice and to the lowest bidder.

Such lists shall be made and printed as near as may be in the following form, to wit:

GRAND STREET.

Residence number or other designation.	Name of elector.
14	Smith, John M.
15	Jones, Charles M.

§ [153]158. Adding and erasing names on register. If the board of inspectors at any meeting for the registration of electors shall have neglected or refused to place upon the register of electors the name of any person who is entitled to have his name placed thereon, application may be made to the supreme court, or any justice thereof in the judicial district in which such election district is located, or of a county adjoining such judicial district, or to a county judge of the county in which such election district is located, for an order to place such name upon the register of electors; and such court, justice or judge may, upon sufficient evidence, and upon such notice of such application, of not less than twenty-four hours, to the board of inspectors and such other persons interested, as the court, justice or judge may require, order such inspectors to convene as a board of registration on the second Saturday before such election, and to add the name of such person to such register of electors, and such register shall be corrected accordingly; but no court, justice or judge shall order the name of any person to be added to the register of electors unless it shall have been omitted therefrom through the fault, error or negligence of the election officers. In case the name of any person who will not be qualified to vote in such election district, at the election for which such registration is made, shall appear upon such register, application may be made in like manner by any elector of the town or city in which such election district is located or by the state superintendent of elections or any deputy state superintendent of elections to any court, justice or judge hereinbefore designated, for an order striking such name from the register, and such court, justice or judge may, upon sufficient evidence, and upon such notice of such application, of not less than twenty-four hours, to the person interested as the court, justice or judge may require, served either personally or by depositing the same in the post-office addressed to said person by his name, and at the address which appears in the register certified by the inspectors of election, order such board to strike such name from such register of voters, and such register shall be corrected

accordingly. In all applications to strike the names of voters from the register under this section an affidavit by the state superintendent of elections or any of his deputies when duly deputed by the state superintendent of elections for that purpose, that investigation was made by him pursuant to the provisions of *this act* [section four hundred and seventy-five of this chapter,] and that the affiant did visit and inspect the premises claimed by the voter as his residence, and did interrogate an inmate, house dweller, keeper, caretaker, owner, proprietor or landlord thereof or therein as to the said voter's residence therein or thereat, and that the said affiant was informed by one or more of said persons, naming them, that they were acquainted with and knew the persons residing therein or thereat, and that the voter did not reside at said premises thirty days before election, shall be presumptive evidence against the right of the voter to register from such premises, and in case the court, justice or judge direct that service of the order to show cause shall also have been served upon the in the post-office, such service shall not be complete until a copy of the order to show cause shall also have been served upon the custodian of primary records for the political subdivision in which such election district is located, and upon the chairman of each political committee for the political subdivision in which such election district is located. If upon the hearing of such application the court, justice or judge shall decide that the name of the elector shall be stricken from the register, the order of the court, justice or judge shall direct that the board of elections shall cause such name to be stricken from the register and also from the books of enrollment if it appears therein. In case the elector has, through no fault or neglect of his own, been registered in a wrong election district, the board of elections, upon proper proof, and upon such notice to the chairmen of the county committees of the several parties as the board shall prescribe, may direct that his name be stricken from the register of the district in which he is not a qualified elector, and, if he is a qualified elector in an adjoining election district within the jurisdiction of such custodian, may direct that he be registered in the election district in which he is a qualified elector. The proper inspectors of elections shall carry out the directions of the board. In a county having a single commissioner of elections or where the duties of a board of elections are performed by a county clerk, such officer shall not have power to make any such direction. In

any such county, such direction may be made by the court, *judge or justice above mentioned*, upon proper proof. No application to add a name to or strike a name from the register shall be made after a day at least two days prior to the second Saturday before election.

§ [179]159. Certifying changes in registers. If, in cities, the board of inspectors shall meet on the second Saturday before the election for the purpose of revising and correcting the register of voters in pursuance of an order of the supreme court, a justice thereof or a county judge, as provided in *the preceding section* [one hundred and fifty-three of this article], the inspectors shall certify forthwith to the [officer] *board* with whom the copy of the register is filed the change or changes made upon such register in pursuance of such order. At any revision of registration for an election other than a general election, the quadruplicate register of voters for the last preceding general election shall be furnished to the inspectors of election by the officer or board having the custody thereof, and the inspectors shall certify [to the officer or board in cities of the first class with whom the registers are filed] the changes, additions or alterations made in such registers for such election.

§ [14]160. Opening of enrollment box and completion of enrollment. [It shall be the duty of the chairman of the board of inspectors of each election district, on the first day of registration, to appoint one of the inspectors of opposite political faith to be the custodian of the enrollment box. In election districts where personal registration is required, the box shall be returned to the custodian of primary records immediately after the last day of registration. In districts where personal registration is not required the box shall be returned to the custodian of primary records within twenty-four hours after the close of the polls on general election day by the inspector designated to deliver the returns.] All enrollment blanks contained [therein] *in the enrollment box* shall remain in such box, and the said box shall not be opened nor shall any of the blanks be removed therefrom until the Tuesday following the day of general election in that year. Such box shall then be opened by the [custodian of primary records,] *board of elections* and the blanks contained therein shall be removed thereupon by said [custodian] *board*, and the name of the party designated by each voter under such declaration shall be by said [custodian] *board*, entered against the name of such

voter in the appropriate column of the signature copy of the register [in a city having more than one million inhabitants, and of the two copies of the registers used for party enrollment elsewhere,] for the election district in which such voter resides. Such enrollment shall be complete before the succeeding fifteenth day of February in each year. If cross marks are found in more than one of the circles, or if no cross marks are found in any of the articles of any enrollment blank, the voter who used the enrollment blank thus deficient shall not be deemed to be enrolled, and words indicating the reason why such enrollment is not transcribed shall be entered against the name of such voter in the signature copy of the registers in the column reserved for the entry of party enrollments[, in any city of over one million inhabitants, and elsewhere in such column in each of the two registers used for party enrollment]. When all of the enrollment shall be transcribed from the blanks to the register, the [custodian of primary records] *board of elections* shall [subscribe and verify] *certify* a declaration or identical declaration, one of which shall be printed in or attached to each of the said registers, which declaration shall be to the effect that [he] *it* has correctly and properly transcribed the enrollment indicated on the blank of each voter to the said register, as herein provided.

§ [14-a]161. Correction of enrollment lists. Any voter who has been or shall have been enrolled with the same political party for five years or upwards and who, at the time of marking an enrollment blank on any day provided in this chapter for the enrollment of voters, makes a mark in the circle beneath the emblem of a party other than the one with which he desired or intended to enroll, by inadvertence, or who did not enroll at the last election, may at any time [except within thirty days immediately preceding a primary election after the completion of the enrollment in any year as provided in this chapter and prior to the ensuing first day of July] have his party affiliation changed upon the enrollment list by the [custodian of primary records] *board of elections* with whom such list is filed by striking out the name of the party with which he is thus wrongly described as being affiliated and inserting the name of the party with which he may declare that he is affiliated by making, subscribing and acknowledging [before any officer authorized by law to take the acknowledgment of deeds for record in this state,] and filing or causing to be filed with such [custodian of primary

records] *board of elections* a statement embodying a declaration in substantially the following form: "I,, do solemnly declare that I reside in and am a duly qualified voter of the election district of such city (assembly district, ward or town); that at one of the last preceding days for the enrollment of party voters in such election district I received an enrollment blank and made my mark in a circle under one of the party emblems thereon, but such marking was done inadvertently and indicated my enrollment with a party with which I was not then affiliated and with which I did not intend to enroll; (or that I did not enroll at the last election) and I therefore request that I be specially enrolled with the party. I am in general sympathy with the principles of the party. It is my intention to support generally at the next general election the nominees of such party. I have been duly and regularly enrolled with such party for at least five years prior to the enrollment at which such mistake occurred. I have not participated in any primary election or convention of any other party during such period of five years." The foregoing statements as to prior enrollment and participation in primaries shall be necessary in case of enrollment by inadvertence only. If in such case any of the enrollment lists for the preceding five years in the office of such [custodian of primary records] *board of elections* do not contain the name of such applicant, as an enrolled voter of the party named in the statement, the [custodian of primary records] *board of elections* shall require him to produce a transcript of so much of an enrollment list as relates to him, if any, from the office of the [custodian of primary records] *board of elections* of the city or county in which he may have been enrolled for such year or years, accompanied with proof by affidavit showing his identity with the person whose name appears in such transcript.

[Upon the filing of such statement, and all other papers or certificates if required, the said custodian of primary records *board of elections*, if the records support the truth of the applicant's statement, shall cause the request contained in such statement to be complied with, by changing the entry relating to the applicant in the enrollment list to conform thereto and recording in the proper column thereof the reason therefor, including a memorandum briefly describing the papers filed in support thereof.]

【§ 14-b. Special enrollment upon becoming of age. Any voter who shall have become of age after the last preceding general election may at any time on or before the fourth Tuesday preceding an official primary in the year following such general election become specially enrolled with any party and have his name, address and party affiliation added to the appropriate columns of the registers of the election district in which he resides, in the manner following:

He shall make and acknowledge before an officer authorized to take the proof or acknowledgment of deeds to be recorded and file or cause to be filed with the custodian of primary records a statement embodying a declaration in substantially the following form, the blanks being properly filled in:

“I,, do solemnly declare that I reside at (here insert residence address), and am a resident and duly qualified voter of the election district of the assembly district (or of the ward of the city of, or of the town of in the county of); that I became of age since the last preceding general election; that I am in general sympathy with the principles of the party and it is my intention to support generally at the next general election, state or national, the nominees of such party for state or national offices; that I have not heretofore enrolled with or participated in the primary election of any party. I therefore request that I be specially enrolled with the party.”

The same party name shall be inserted by the voter in the two spaces provided therefor. A blank for such statement and application shall be provided by the custodian of primary records on demand to any person desiring to specially enroll under this section. The mailing of such statement and application from any point within the jurisdiction of such custodian addressed to such custodian at his office, properly sealed with postage fully prepaid, on or before the day herein provided for filing the same, shall be a sufficient compliance with the requirements of this section.】

Upon receiving such statement, *and the other papers if required* the 【custodian of primary records】 *board of elections* shall enroll such voter with the said party of his choice in the copy 【or copies】 of the register used for party enrollments for the proper election district, in the same manner as

upon an enrollment blank deposited at one of the days of registration or on the day of general election; except that above the surname of such voter shall be written the word "Special" and above the christian name the date of the filing or postmark of mailing of such statement and application. Voters specially enrolled hereunder shall be given by the custodian of primary records an enrollment number beginning, for the first voter thus specially enrolled, with the numeral following the highest enrollment number on the register of those enrolled in the election district at the preceding days of registration or general election. The custodian of primary records shall endorse the corresponding number on the statement of the voter to whom such number is given. All such statements and applications shall be public records and open to inspection and may be copied by any person. They shall be kept on file for one year from the day of the next ensuing official primary.

【§ 19-a. Special enrollment after moving. If, after being enrolled as a member of a party in one election district, by original enrollment, a voter shall move into another election district in the same assembly district, he may, at any time between the first day of February of any year and the thirtieth day before the annual primary day, become enrolled therein as a member of the same party by making an affidavit before any officer authorized by law to take the same and filing, or causing to be filed, with the custodian of primary records, such affidavit which shall specify the name of the party with which, and the election district in which he is enrolled, the street address from which said voter enrolled, if any, the election district into which he has moved and the street address of his residence therein, if any, and stating that he resides in the last mentioned election district, and desires to be enrolled therein as a member of such party. Except as hereinafter provided, upon the filing of such affidavit the custodian of primary records shall enroll the name of such voter in the copy or copies of the register used for party enrollments for the proper election district, specifying the district from which he is transferred and his new residence address, and shall also make a minute, opposite the entry of his name in the copy or copies of the register used for party enrollments of the election district from which he has removed, showing the election district to which his name is transferred. Provided, however, that in any city or village in which registration of electors is required

to be personal, such voter shall appear before the custodian of primary records and deliver such affidavit in person and answer such questions concerning facts affecting his identity as such custodian may deem necessary. Such custodian shall compare the signature, if any, of the voter on the affidavit with his signature on the register of electors. If the voter be unable to write, the custodian shall submit to him, in lieu of requiring his signature, the questions required for the identification statement where an applicant for registry is unable to write. In a city of over one million inhabitants, if the enrollment of a voter be transferred and if he be able to write, he shall also sign his name in the appropriate column of the register for the district to which he is transferred. In any assembly district of the state, if such a transfer be made, all entries relating to the enrollment of the voter on the original registers, and relating both to registry and enrollment in a city of over one million inhabitants, shall be transcribed in the books for the district to which he shall have moved. In any election district where personal registration is not required the custodian of primary records may in his discretion in any case require the applicant to appear in person and answer such questions. Where an applicant for transfer is required either by the provisions of this section or by the custodian of primary records to appear in person, in any political subdivision of the state, such custodian shall not transfer the applicant's enrollment unless satisfied of his identity. Such transfer of enrollment shall be made but once during any year for which the original enrollment was made. Nothing contained in this section shall be deemed to qualify a person to vote at an official primary in the district to which his enrollment is transferred if he be not a resident of such district at the time of the primary and for thirty days theretofore, and he shall be subject to challenge as provided in section seventy-two.】

【§ 184. Penalties. Any applicant for registration, inspector or other person who shall incorporate or cause to be incorporated any false statement in any challenge or other affidavit required for or made or filed in connection with registration or voting, shall be deemed guilty of perjury.

Except as provided in this article any person who shall wilfully suppress, alter, destroy or mutilate any signed challenge or other affidavit or official copy thereof shall be deemed guilty of a felony.

Any person knowingly taking a false oath before the board of

inspectors shall upon conviction thereof be punished as for wilful and corrupt perjury.

Any person who shall alter, mutilate, destroy or remove from the place of registration the public copy of registration shall be guilty of a felony, and shall be punished upon conviction thereof by imprisonment in a state prison for not less than two nor more than five years, unless otherwise provided by law.

Any person who signs and mails or delivers to the custodian of primary records an enrollment blank as provided in this chapter, which shall be false in any respect or with intent to mislead, or any person who induces or attempts to induce any person so to do, is guilty of a misdemeanor. The fact that such statement is untrue shall be prima facie proof that it is false and intended to mislead.

Any person who shall make, sign, file or cause to be filed, certify or attest any false application for registration as required by sections one hundred and fifty-eight and one hundred and fifty-nine of this chapter, or any person who shall alter, mutilate, destroy or remove any such application from the place of registration, shall be guilty of a felony and shall be punished upon conviction thereof by imprisonment in a state prison for not less than two years nor more than five years, unless otherwise provided by law.】

§ 【15】162. Enrollment for a new political party. Where an independent body has become a party at a general election, an enrollment of the members of such party shall be made in the manner herein prescribed. After the first day of January and not later than the second Tuesday of April in the year next succeeding that in which such independent body became a party, the 【custodians of the primary records】 *boards of election* throughout the state shall cause to be mailed to all voters whose names appear upon the latest registration lists of their respective districts and who are not enrolled as members of any political party, at their respective post-office addresses, enrollment blanks printed on white paper, on the face of which shall be printed the following, or the substance thereof, the blanks to be filled in in type so far as possible:

“Primary enrollment for yearcity (or village or town) of; county of; assembly district (or ward or town); election district; enrollment number; name of voter”

I, the undersigned, do solemnly declare that I voted in the above election district at the general election held (insert date of last general election); that I still reside in said election district; and that my residence is at the address as given below; that I am in general sympathy with the principles of the party in the circle beneath the name and emblem of which I have made a cross X mark and supported generally at the said general election the nominees of the said party, then an independent body; and that I have not enrolled with any other party since the the first day of January (here insert the year in which the general election was held).

Party
(Insert emblem)



Party
(Insert emblem)



(Voter sign here)

Residing at (the voter inserts his residence)

“Make a cross X mark in the circle under the emblem of the party with which you wish to enroll for the purpose of participating in its primary elections during the current year, and write your name and address in the blanks immediately under the circle or circles.”

The circles under the emblems shall be one inch in diameter and in them nothing shall be printed. The party emblem shall be the same as those which were on the official ballots for each independent body, respectively, to which this section is applicable; over such emblem shall be printed in type clearly legible the name of the party represented by such emblem. The enrollment blanks shall have thereon only the emblem of those parties which were independent bodies and became parties at the last preceding general election and shall have the following instruction printed across the top of the enrollment blanks: “Fill out, sign, and return on or before the first Tuesday of June, nineteen hundred and (here insert the current year) to (here insert the name or title of the custodian of primary

records), at (here insert the post-office address, with the street and number, if any, of the [custodian of primary records] *board of elections*."

Each voter who shall have properly signed such an enrollment blank and shall have either mailed or delivered the same to the proper [custodian of primary records] *board of elections* on or before the first Tuesday of June, of the then current year, or in the year nineteen hundred and thirteen on or before July first, shall be enrolled in his proper and designated party, subject to all the provisions of this chapter applying to enrollment of party voters, and the custodian of primary records shall enter against the name of each voter in the appropriate column of the copy or copies of the register used for party enrollments for the election district in which such voter resides the name of the party with which such voter shall thus enroll. The postmark on any envelope containing such an enrollment blank shall be deemed conclusive proof of the date on which the same was mailed.

One additional copy of the said enrollment blank shall be furnished to each voter who applies therefor. Additional copies shall be furnished at the rate of twenty-five cents per hundred to any person.

The enrollment blanks [as soon as received by the custodian of primary records from the voter shall be public records and shall be open to inspection and copying at any time by any person. They] shall be kept on file for one year from the first Tuesday in June.

[§ 15-a. Special enrollment for soldiers, sailors, or marines and certain other persons. Any qualified voter of this state who shall have been in the actual military service of this state, or of the United States, in the army or navy thereof, or on any service in connection therewith, and by reason thereof was absent from his or her election district at the times designated for the enrollment of party voters in any year, may become specially enrolled with a party, at any time before the fifth Tuesday preceding an official primary, and have his or her name added to the original enrollment books of the election district in which he or she resides and is a qualified voter in the manner following: He or she shall make and acknowledge before an officer authorized to take the proof or acknowledgment of deeds to be recorded, and file or cause to be filed with the custodian of primary records a statement embodying a declaration in substantially the following form, the blanks to be properly filled in:

"I,, do solemnly declare that I reside at (here insert residence address), and am a resident and duly qualified voter of the election district of the assembly district (or of the ward of the city of or the town of), in the county of; that I was in the actual military service of this state (or of the United States, as the case may be), in the army or navy thereof, or, on service connected therewith, as (naming the service, at the times designated for the preceding enrollment of party voters and by reason of such service was absent at such times from the election district in which I resided; that I have not enrolled with or participated in the primary election of any party on or since the first day of the last registration; that I am in general sympathy with the principles of the party and it is my intention to support generally at the next election, state or national, the nominees of such party for state or national officers. I therefore request that I may be specially enrolled with the party."

The same party name shall be inserted by the voter in the two spaces provided therefor. A blank for such statement and application shall be provided by the custodian of primary records on demand to any person desiring to specially enroll under this section. The mailing of such statement and application, addressed to such custodian at his office, properly sealed with postage fully prepaid, on or before the day herein provided for filing the same, shall be a sufficient compliance with the requirements of this section.

Upon receiving such statement, the custodian of primary records shall enroll such voter with the said party of his or her choice in the original enrollment books for the proper election district, unless it be made to appear to the satisfaction of such custodian that the applicant is not a qualified voter of the election district in which he or she desires to enroll or is already enrolled in an election district, or that the statement as to his or her military or other service or absence is untrue. Such enrollment shall be made in the same manner as upon an enrollment blank deposited at one of the days of registration or on the day of general election; except that above the surname of such voter shall be written the word "special" and above the christian or given name the date of the filing or postmark of mailing of such statement and application. Voters specially enrolled hereunder shall be given by the custodian of primary

records an enrollment number beginning, for the first voter thus specially enrolled, with the numeral following the highest number on the enrollment books of those previously enrolled in the election district. The custodian of primary records shall indorse the corresponding number on the statement of the voter to whom such number is given. All such statements and applications shall be public records and open to inspection and may be copied by any person. They shall be kept on file for one year from the day of the next ensuing official primary.】

§ [24]163. Correction of enrollment with respect to persons not in sympathy with party. If any person is not in sympathy with the principles of the political party with which such person is enrolled, any voter of the assembly district in which such election district is located (provided such voter is himself duly enrolled with the same political party with which the person as to whom the application is made was enrolled) may present proof thereof by affidavit to the chairman of the county general committee of the political party with which the voter enrolled, and the chairman of such county general committee shall issue a notice requiring the person against or as to whom the proceeding is instituted to show cause before such chairman of the county general committee, or a sub-committee appointed by such chairman, at a time and place specified in such notice why his enrollment should not be cancelled. Such notice shall be returnable on a day at least fifteen days before a primary election, and a copy of the affidavit shall be served on the person against whom the proceeding is instituted and on the [custodian of primary records] *board of elections* at least forty-eight hours before the return thereof, either personally or by depositing the same in the post-office of the city in which such election district is located, in a postpaid wrapper or envelope addressed to the custodian of primary records at his office, and to such person by his name at his present address, if known, and otherwise at the address which appears in the register for such election district. The chairman of such committee shall in his discretion personally hear the persons interested in the proceeding or appoint a subcommittee to take testimony, and in such event the action of the subcommittee shall not be final unless approved of by the chairman of such county general committee, and if it appears by sufficient evidence that such person is not in sympathy with the principles of the political party with which such person enrolled, the chairman of

the county general committee shall cause to be filed a certificate with the board of elections or with the custodian of primary records setting forth reasons why the enrollment of such persons shall be cancelled, together with a record of the proceedings had in the matter. It shall be the duty of the board of elections [or the custodian of primary records] to make application to the supreme court or to any justice thereof in the judicial district, or to a county judge of the county, in which such election district is located, for an order requiring the person against or as to whom the proceeding is instituted to show cause before such court, justice or judge, at a time and place specified in such order, why the decision of the chairman of such county general committee should not be confirmed. Such order shall be returnable on a day at least five days before a primary election, and a copy thereof shall be served on the person against whom the proceeding is instituted at least forty-eight hours before the return thereof in the manner hereinbefore provided. The said court, justice or judge shall have power to examine fully into the proceedings taken before such chairman or subcommittee and to receive affidavits or other evidence as to the manner in which such proceedings were conducted, and shall determine whether or not said proceeding was fairly conducted and the finding made therein was made upon sufficient grounds upon the merits, and he may approve or disapprove such finding as shall seem to him to be required to do substantial justice to the party against whom the proceeding was instituted and without regard to technical requirements. The court, justice or judge upon approving of the finding of the chairman of such county general committee shall issue an order to the board of elections [or to the custodian of primary records] requiring the enrollment of the voter to be cancelled on the registers. A cancellation of enrollment, under this or the preceding section, shall be made by drawing a red ink line through the enrollment number of such person and through the name of the party, and by entering in the "remarks" column, at the extreme right of the register, the words "enrollment cancelled" and the date thereof.

【§ 19. Right to enroll and vote at primaries. No voter who has once enrolled in a political party shall be permitted to enroll in another political party before the first day of the next registration. Only voters enrolled as provided in this article shall be entitled to participate in the official primary elections of their respective parties. No voter shall take part in any primary

election of any party other than the party in which he shall at the time be enrolled.】

§ [23]164. Judicial review of enrollment. If any statement in the declaration of any person, on the evidence of which his name was enrolled in the original registers for any election district by the [custodian of primary records,] *board of elections*, or if any entry opposite the name of any person in such registers is false, or if any person so enrolled has died, or has removed from or no longer resides in such election district, any voter of the assembly district in which such election district is located (provided such voter is himself duly enrolled with the same political party with which the person, as to whom the application is made, was enrolled) may present proof thereof by affidavit to the supreme court, or to any justice thereof, in the judicial district, or to a county judge of the county, in which such election district is located. And thereupon such court, justice or judge shall make an order requiring the person against or as to whom the proceeding is instituted, unless he is shown to have died, as hereinafter provided, to show cause before such court, justice or judge, at time and place specified in such order, why his enrollment should not be cancelled, or, in case of his death, why it should not be stricken from the register. Such order shall be returnable on a day at least ten days before a primary election, and a copy thereof shall be served on the person against whom the proceeding is instituted and on the custodian of primary records at least forty-eight hours before the return thereof, either personally or by depositing the same in the post-office of the city in which such election district is located, in a postpaid wrapper or envelope addressed to the [custodian of primary records,] *board of elections* at his office, and to such person by his name at his present address, if known, and otherwise at the address which appears in the registers for such election district. If the person as to whose name the application is made is claimed to be dead, the order to show cause hereinabove provided for shall be directed to the [custodian of primary records,] *board of elections*, and service thereof need only be made upon such custodian of primary records, such service to be made in the manner heretofore in this section specified; but an order requiring the [custodian of primary records,] *board of elections* to show cause why the name of a person claimed to be dead should not be stricken from the register shall not be made unless the affidavit presented to the

court, justice or judge by the voter instituting the proceedings shall state that such voter has personal knowledge of the death of the person with respect to whose name the application is made and unless such affidavit is substantiated either by a certificate of the health department or by other competent evidence of such death. The [custodian of primary records] *board of elections* shall produce before the court, justice or judge, the original enrollment declaration subscribed by the person against or as to whom the proceeding is instituted. The court, justice or judge shall hear the persons interested, and if it appears by sufficient evidence that any statement in the declaration of the person against whom the proceeding is instituted, on the evidence of which he was enrolled by the [custodian of primary records,] *board of elections*, or any statement opposite his name in the columns of the register relating to residence or his qualifications as an elector, is false, or that such person is dead or has removed from or no longer resides in the election district for which he is enrolled, shall order the enrollment of such person cancelled, or in case of his death, that his name be stricken from the register, except as hereinafter provided. If at such hearing the person against whom the proceeding is instituted shall produce evidence that the [custodian of primary records] *board of elections* has incorrectly copied into the register the data contained in the declaration of such person, and that if correctly copied such person would be entitled to be enrolled in such election district, such order, instead of requiring his enrollment cancelled, shall require the correction of the register in accordance with such evidence. In either case the order shall require the [custodian of primary records] *board of elections* to cancel the enrollment or strike such name from the register, as the case may be, or to otherwise correct such enrollment books in accordance with such order. Upon the correction of such enrollment books in accordance with such order, the [custodian of primary records] *board of elections* shall certify such correction to the chairman of the general committee of each party to whom a duplicate set of enrollment lists has been delivered in pursuance of section sixteen of this chapter.

§ [20]165. New or amended enrollment lists for changed districts. If in the interval between the days of registration and the day of the fall primary in the succeeding year, a new election district shall be created, or the boundaries of an election district shall be changed, and such change or the creation of such

new district is to take effect within such interval, the [custodian of primary records] *board of elections* shall immediately prepare new enrollment lists for such district from the enrollment books of the districts covering any part of the same territory, which new enrollment lists shall be made upon register forms and shall include the "primary poll-book" section, if any, of the register, and shall be given the proper descriptive number of the assembly district or ward, or designation of the town, and the descriptive number of the election district, within which they are to be used but shall in other respects be in the same form and exhibit the same facts as the registers then in force in the territory comprised within such new or changed district and shall contain the names of all the voters, as shown by the registers then in force in such territory, who are the enrolled voters of the respective political parties within, and who are shown by such books to be residents of such new or changed election district. If an election district, whose boundaries are not changed, be given a new number or become included in a different assembly district, ward or town, within such interval, such [custodian] *board*, before the next official primary at which the registers for such new or changed election district may be used, shall appropriately change the descriptive number on such registers of the assembly district, ward and election district, or the designation of the town, as the case may be. In [a city of over one million inhabitants] *the city of New York*, all original register entries shall be duplicated. The certificate of such [custodian] *board* to the effect that such new enrollment lists or changed registers are true and correct and in conformity with this section shall be attached thereto. New enrollment lists, prepared pursuant to this section, shall supersede the enrollment lists in the registers then in force in such territory until a new enrollment therein takes effect under the other provisions of this article, and the [custodian of primary records] *board of elections* shall be charged with the same duties concerning the same, including the preparation of duplicate sets thereof or transcripts therefrom, as are provided in this article with respect to books containing enrollments begun on the days of registration. This section shall not be construed to authorize any person to vote in such new or changed district if he shall have ceased to reside in the territory thereof at the time of the preparation of such new books therefor or at the time he offers his vote at an official primary therein.

§ [21] 166. Enrollment entries to be public records; transcripts of enrollment. [The enrollment entries herein provided for and any declarations filed on enrollment shall be public records, and shall be open to inspection and copying at any time and by any person.] It shall be the duty of the [custodian of primary records] *board of elections* to certify to the correctness of any transcript of original enrollment entries, or of any part thereof, on the payment of one cent for every twenty names contained in the transcript. Wherever the [custodian of primary records] *board of elections* is [a] salaried [officer], the fees received by [him] *it* for certifying such transcripts shall be paid into the public treasury. Such a certified transcript, containing the name and showing the enrollment of any voter, shall be sufficient evidence of such enrollment. The [custodian of primary records] *board of elections* shall give to any voter enrolled as in this article provided, a certificate of enrollment, which shall specify the name of the party with which he is enrolled, the date of enrollment and the election district in which such voter is enrolled. Declarations and enrollment blanks filed by voters [shall be public records and] shall be kept on file until one year thereafter. [No person shall be required to enroll, nor shall his failure to do so affect his right to register for the purpose of voting at any election.]

§ [16] 167. Books to be furnished containing transcripts of enrollments. The [custodian of primary records] *board of elections* shall annually provide a true copy, duly certified, for the state superintendent of elections and for each party of so much of the registers as will give the names, addresses and political affiliation of each voter. The said [custodian] *board of elections* shall, in the month of February each year, deliver one such certified copy to the state superintendent of elections and the chairman of the proper county committee of each such party. Such certified copies shall conform so far as practicable to the form of the columns and entries in the register, or to the portion transcribed, as the case may be. The [custodian of primary records] *board of elections* shall certify to such chairman that each such copy is a correct transcript from the original enrollments, made during the days of registration of voters for or at the preceding general election.

§ [22] 168. Publication of enrollment. The board of elections of [every city of the first class containing within its bound-

aries more than one county] *the city of New York* shall and the board of elections of any county containing a city of the first or second class and when authorized by the board of supervisors the board of elections in any other county may, in its discretion, cause to be published for each assembly district, within a county over which such board has jurisdiction, in pamphlet form, and at public expense a transcript of the registers of each election district in the assembly district, omitting all entries except the names, the residence addresses, and the party, if any, recorded opposite the respective names. Where an independent body shall hereafter become a party at a general election held after the enrollment, of which the list may have been published under the provision of this section, by the board of elections, a transcript of all entries upon the registers added thereto under the provisions of section fifteen relating to enrolled voters of such new party, shall be published in the manner hereinabove provided between the first Tuesday in June and the first Tuesday in July of the year in which an enrollment is had of the members of such new party omitting all entries upon such register excepting the names of those enrolled with the new party, the residence addresses and the name of the party recorded opposite each name; provided, however, that if not more than one new party shall have been thus created, the name of the party to which such transcript relates may be placed at the head of the list and need not be repeated opposite each name. The board of elections shall provide all such transcripts for publication.

§ [25] 169. Investigation of enrollment. Whenever the state superintendent of elections shall require, it shall be the duty of the chief of police and of every captain, in every city of the state to forthwith cause an investigation of each name enrolled in his precinct to be made and to report to the state superintendent of elections, at his office, in such city or at such other office as the state superintendent of elections may in writing designate any case of false enrollment there found. It shall be the duty of the board of elections of the county or of such city to furnish to the chief of police and police captain a printed or typewritten list of the enrolled voters of such city and afford necessary facilities, including clerical assistance, to either such chief of police or police captain, to transcribe the whole or any part of the enrollment list, in aid of the duty of investigation imposed on him under the provisions of this section,

ARTICLE 7.

PRIMARY, GENERAL AND SPECIAL ELECTIONS.

- Section 180. Times and hours of primary, general and special elections.*
181. *Opening the polls.*
 182. *Supplying vacancies and absences.*
 183. *General duties of inspectors.*
 184. *Persons within guard-rail.*
 185. *Watchers; challengers; electioneering.*
 186. *Preservation of order by inspectors.*
 187. *Ballot boxes.*
 188. *Voting booths and guard-rails; sample ballots.*
 189. *Verification of voters.*
 190. *Delivery of ballots to voters.*
 191. *Challenges.*
 192. *Preliminary oath.*
 193. *General oath and additional oaths.*
 194. *Record of persons challenged.*
 195. *Assistance to disabled or illiterate voters.*
 196. *Assistance to physically disabled voters.*
 197. *Classification and form of ballots.*
 198. *Ballots for presidential electors.*
 199. *Ballots for general officers.*
 200. *Ballots for questions submitted.*
 201. *Ballots upon town propositions and town appropriations.*
 202. *Primary election ballots.*
 203. *Unofficial ballots.*
 204. *Use of official pasters.*
 205. *Preparation of ballots by voters; intent of voters.*
 206. *Manner of voting.*
 207. *Times allowed employees to vote.*
 208. *Enrollment on the day of general election.*
 209. *Canvass of votes; preparation for canvass.*
 210. *Special provision as to preparation for canvass in the city of New York.*
 211. *Comparing poll-books and registers; verifying number of ballots.*
 212. *Form of tally sheets.*
 213. *Method of canvassing.*
 214. *Objections to the counting; disposal of ballots.*

Section 215. *Proving the tallies.*

216. *General provisions as to canvass.*

217. *Statement of canvass to be delivered to police.*

218. *Returns of canvass.*

219. *Proclamation of result.*

220. *Form of inspector's return as to ballots cast.*

221. *Forms of return and tally of votes cast for presidential electors.*

222. *Forms of return and tally of votes for officers other than presidential electors.*

223. *Forms of return and tally of votes upon questions submitted.*

224. *Sealing statements.*

225. *Delivery and filing of papers relating to the election; general provisions.*

226. *Custody of registers after election.*

227. *Preservation of ballots.*

228. *Judicial investigation of ballots.*

229. *Destruction of books, records and papers relating to the elections.*

§ 70. Organization and conduct of official primaries.

1. Election inspectors for each election district within or comprising a primary district shall be the election officers for such primary district.

2. All said officers shall take and subscribe the constitutional oath of office, before entering on the discharge of their duties.

3. Each primary shall be held open, for voting thereat, from seven o'clock in the forenoon until nine o'clock in the evening, except in a city of over one million inhabitants, where such primary shall be held open, for voting thereat, from three o'clock in the afternoon until nine o'clock in the evening.

4. The primary election officers shall perform the duties required of election officers at a general election, and such additional duties as are in this chapter prescribed and shall receive the same pay as for services of inspectors on the last day of registration; except that in any city of over one million inhabitants, they shall respectively receive seven dollars and fifty cents for their services at each official primary.

5. In each year an official primary election shall be held on the ninth Tuesday before the general election; in each year in

which a president of the United States is to be elected, an additional official primary election shall be held on the first Tuesday in April.

6. Subject only to such differences as are herein provided or as may be necessary, an official primary shall be conducted in the same manner as the general election. A chairman of each board of primary inspectors shall be elected in the same manner as a chairman of a board of inspectors at a general election. The chairman shall designate an inspector to act as primary ballot clerk, with the powers and duties of ballot clerks under this chapter. In a primary district comprising one election district, the inspector so designated shall be of opposite political faith from the chairman. In any primary district, the remaining inspectors, exclusive of the chairman, shall act as primary poll clerks, with the powers and duties of such clerks under this chapter. The chairman shall receive the primary ballots, as they are cast or returned by the enrolled voters. All the inspectors, including those designated as poll clerks and ballot clerks, shall also perform the duties of primary inspectors from the time the polls are opened until the statements of the results of the canvass are completed.】

【§ 18. Use of registers at official primaries. The copy or copies of the register in which party enrollments are entered shall be used at all official primary elections, and shall be delivered, as provided in this chapter, to the proper boards of election inspectors immediately before the opening of the polls on each official primary day, and shall be returned to the custodian of primary records forthwith, after the completion of the canvass of the votes. Such enrollments, as entered in such register, shall go into effect on the first day of January following days of registration on which they are begun, and shall, with any additions or changes made as herein provided, remain in force until the first day of the following January, when they shall be superseded by the new registers, as herein provided.】

【§ 290. Date of general election. A general election shall be held annually on the Tuesday next succeeding the first Monday in November.】

§ 180. *Times and hours of primary, general and special elections.* 1. *The primary election known as the fall primary shall be held annually on the seventh Tuesday before the general election, and in each year in which a president of the*

United States is to be elected an additional primary election, known as the spring primary shall be held on the first Tuesday in April, which primary elections shall be held open for voting thereat from seven o'clock in the forenoon until nine o'clock in the evening, except in the city of New York, where such primary elections shall be held open for voting thereat from three o'clock in the afternoon until nine o'clock in the evening.

2. The general election shall be held annually on the Tuesday next succeeding the first Monday in November, which general election shall be held open for voting thereat from six o'clock in the morning until five o'clock in the afternoon.

3. Special elections shall be held when called by the governor, which special elections shall be held open for voting thereat from six o'clock in the morning until five o'clock in the afternoon.

[§ 83. Persons within the guard-rail. From the time of the opening of the polls, until the result of the canvass of the votes cast thereat shall have been announced, and the official statements of such canvass shall have been signed, the ballot boxes and all voted ballots shall be kept within the guard-rail. No person shall be admitted within the guard-rail during such period, except primary election officers, duly authorized watchers, persons admitted by the inspectors to preserve order or enforce the law, and persons duly admitted for the purpose of voting; provided, however, that any candidate voted for may be present at the canvass of the votes.]

[§ 84. Watchers; challengers; electioneering. The ballot and other boxes used at any primary shall be examined by the inspectors in the presence of the watchers, if any, before any ballots are received. One watcher for each election district may be appointed by any political committee, and by any two or more of the persons whose names are upon any ballot to be voted at such primary election. Such watchers may be present at such polling place within the guard-rail from at least fifteen minutes before the examination of any ballot or other box at the opening of the polls of such primary election until after the announcement of the result of the canvass of the votes cast thereat and the signing of the statements thereof by the inspectors. A reasonable number of challengers, at least one person for any three or more persons of each party holding its primary election at that polling place, whose names are upon any official ballot at such primary election, shall be permitted to remain just outside the guard-rail

of each such polling place, where they can plainly see what is done within such rail outside the voting booths, from the opening to the close of the polls thereat. No person shall, while the polls are open, at any polling place do any electioneering within such polling place, or within one hundred feet therefrom, in any public street or in any building or room, or in a public manner, and no political banner, poster or placard shall be allowed in or upon such polling place on any primary day.】

【§ 291. Time of opening and closing polls. The polls of every general election, and, unless otherwise provided by law, of every other election shall be opened at six o'clock in the forenoon and shall close at six o'clock in the afternoon. There shall be no adjournment or intermission until the polls are closed. Electors entitled to vote who are in the polling place at or before six o'clock in the afternoon shall be allowed to vote.】

【§ 291-a. Time of opening and closing polls at city elections held at a time other than general elections, during the year nineteen hundred and eighteen. The polls of every city election held at a time other than the time of general elections during the year nineteen hundred and eighteen, shall be opened at six o'clock in the forenoon and shall close at eight o'clock in the afternoon. There shall be no adjournment or intermission until the polls are closed at such elections. Electors entitled to vote at such elections who are in the polling place at or before eight o'clock in the afternoon shall be allowed to vote.】

【§ 85. Canvass of votes. As soon as the polls at an official primary election shall close, the primary inspectors shall forthwith publicly canvass and ascertain the result thereof, and they shall not adjourn or postpone the canvass until it shall be fully completed. All questions touching the validity of ballots or their conformity with the provisions of this chapter shall be determined by a majority vote of the primary inspectors. The room in which such canvass is made shall be clearly lighted, and such canvass shall be made in plain view of the public. It shall not be lawful for any person or persons during the canvass, to close, or cause to be closed, the main entrance to the room in which such canvass is conducted, in such manner as to prevent ingress or egress thereby. The primary inspectors shall proceed to canvass the vote by counting the ballots found in the ballot boxes without unfolding them, except so far as to ascertain that each ballot is single, and by comparing the ballots found in each box

with the number shown by the enrollment book to have been deposited therein. If the ballots found in any box shall be more than the number of ballots so shown to have been deposited therein, such ballots shall be replaced, without being unfolded, in the box from which they were taken, and shall be thoroughly mingled therein, and one of the inspectors designated by the board shall, without seeing the same and with his back to the box, publicly draw out as many ballots as shall be equal to such excess, and, without unfolding them, forthwith destroy them. If two or more ballots shall be found in a ballot box so folded together as to present the appearance of a single ballot, they shall be destroyed if the whole number of ballots in such ballot box exceeds the whole number of ballots shown by the enrollment book to have been deposited therein, and not otherwise. If there lawfully be more than one ballot box for the reception of ballots voted for at any one polling place, no ballot found in the wrong ballot box shall be rejected, but shall be counted in the same manner as if found in the proper box, if such ballots shall not, together with the ballots found in the proper ballot box, make a total of more ballots than are shown by the enrollment book to have been deposited in the proper box. The chairman only of the board of primary officers shall unfold the ballots taken from a ballot box. When a ballot is not void, and a primary election inspector or a duly authorized watcher shall, during the canvass of the vote, declare his belief that any particular ballot has been written upon or marked in any way for the purpose of identification, the inspectors shall write on the back of such ballot "Protested as marked for identification," and shall specify over their signatures upon the back thereof the mark or markings upon such ballot to which objection is made. The votes upon each such ballot shall be counted by them as if not so protested. If any ballot shall be rejected as void, the reason for such rejection shall be written on the back thereof by the chairman, or by an inspector designated by him. All ballots rejected as void, and all ballots protested as marked for identification, shall be enclosed in a separate sealed package, which shall be endorsed on the outside thereof with the names of the inspectors, the designation of the election district, and the number and kind of ballots contained therein. Such package shall be filed by the chairman with the original statement of the canvass. A statement of the number of ballots of any party protested as

marked for identification, and of the number thereof rejected as void, shall be included in each of the statements of the result of the canvass for such party. If requested by any watcher, the inspector shall, during the canvass, exhibit any and all ballots cast at such primary election to such watcher, fully opened and in such condition that he may fully and carefully read and examine the same, but such inspector shall not allow any such ballot to be taken from his hands. Any person other than a constituted election officer who shall handle any ballot voted or unvoted or the stub thereof shall be guilty of a misdemeanor.】

【§ 86. Intent of voters. If the voter marks more names than there are persons to be nominated for an office or elected to a party position, or if for any other reason it is impossible to determine the voter's choice of a candidate for a party position or for nomination for an office, his vote shall not be counted therefor but shall be returned as a blank vote for such nomination or party position.】

A void ballot is a ballot upon which there shall be found any mark other than a cross X mark made for the purpose of voting, which voting mark must be made with a pencil having black lead, only in a voting space to the left of the name of a candidate; or one upon which anything is written other than the name or names of any person or persons not printed upon the ballot, for whom the voter desires to vote, which must be written in the blank space under the title of the proper office or party position with a pencil having black lead; or one which is defaced or torn by the voter; or one upon which there shall be found any erasure of any printed device, figure, letter or word, or of any name or mark written thereon, by such voter; or in which shall be found inclosed a separate piece of paper or other material; and upon such ballot no vote for any candidate thereon shall be counted. Any straight line crossing any other straight line at any angle within a voting space shall be deemed a valid voting mark. Any mark other than a cross X mark or any erasure of any kind shall make the whole ballot void, except that when such mark or erasure is made in a voting square it shall make the ballot blank only as to the office or party position in which such work or erasure occurs; but no ballot shall be declared void or partially blank because a cross mark thereon is irregular in form.

【§ 87. Proclamation and statement of result. Immediately upon the completion of such canvass, the board of primary inspec-

tors in each primary district shall make public oral proclamation of the result thereof, and shall make upon the statement of result sheet for each party a written statement of such result for each election district in such primary district, and also a duplicate thereof, which shall be known as the duplicate statement. Immediately after the completion of such statements, such board shall file the originals thereof with the custodian of primary records, and shall file the duplicate statements with the clerk of the city, town or village.

In cities having more than one million inhabitants the board of primary inspectors shall also make and sign a police return of the vote at the primary similar to that required at the general election by section three hundred and seventy-two of this chapter, and such return and its contents shall be treated in the same manner by the same officers as is provided in that section with respect to the statement of the result of the canvass of votes on election day to be delivered to the police.】

【§ 88. Preservation of records and papers. At all reasonable times any watcher shall have reasonable opportunity to make a transcript of any such statement, or any portion thereof, and any candidate shall be entitled to receive, upon demand, a written statement showing the result of the primary election so far as he is concerned.

After the close of the canvass of the votes at official primary elections, the ballots of each party cast thereat, except the protested, void or wholly blank ballots, shall be tied together, labeled and replaced in the ballot boxes from which they were respectively taken, and such ballot boxes shall then be securely locked and sealed, and, together with the box containing the stubs, shall be returned to the officer from whom they were received, who shall safely keep the same, subject, however, to be produced upon the order of any court of record or judge thereof, for not less than thirty days after such primary election, and until all suits or proceedings before any court or judge touching the same shall have been finally determined, when the ballots and stubs shall be removed and without examination destroyed. In the case of a contested nomination for office or a contested election to a party position any candidate shall be entitled as of right to an examination in person or by authorized agents of any primary ballots upon which his name lawfully appeared as that of a candidate; but the court shall prescribe such conditions, as a notice to other

candidates or otherwise, as it shall deem to be necessary and proper. The custodian of primary records and the secretary of state shall preserve for at least two years all books, records, petitions, objections, certificates and papers filed with him under the provisions of this chapter, at the expiration of which time all such books, records, petitions, objections, certificates and papers may be destroyed or otherwise disposed of by such custodian or secretary of state.】

【§ 93. Penalty for violation. Unless other expressly provided in this chapter any person violating any of the provisions of articles two, three, four, four-a and four-b of this chapter is guilty of a misdemeanor.】

【§ 94. Perjury. All oaths administered under the provisions of this article and the preceding articles of this chapter are hereby declared to be oaths required by law, and to be necessary for the ends of public justice.】

【§ 300-a. Display of American flag. The American flag shall be displayed in each polling place in this state by the board of inspectors during the hours when such boards are in session. The board, body or officer now charged with the duty of defraying the expenses of conducting primaries and elections shall furnish said flag, which shall be approximately three feet by five feet in size.】

§ 【350】181. Opening the polls. *An American flag, approximately three feet by five feet in size shall be displayed in each polling place during the hours of an election.* The inspectors of election【, poll clerks and ballot clerks】 of each election district shall meet at the polling place therein at least one-half hour before the time set for opening the polls at each 【election for which official ballots are required to be provided,】 *primary, general or special election* and shall proceed to arrange the space within the guard-rail and the furniture thereof, including the voting booths, for the orderly and legal conduct of the election.

The inspectors of election shall then and there have the ballot boxes required by law for the reception of ballots to be voted thereat; the box for the reception of ballots found to be defective in printing or mutilated before delivery to, and ballots spoiled and returned by, voters; the box for the stubs of voted and spoiled ballots; the sealed packages of official ballots, sample ballots and instruction cards and distance markers, 【poll books,】 *registers*, tally sheets, return blanks and other stationery required to be

delivered to them for such election【; and if it be an election at which registered voters only can vote, the register of such voters required to be made and kept therefor】.

The inspectors shall thereupon open the sealed packages of instruction cards and cause them to be posted conspicuously, at least one 【and if printed in different languages, at least one of each language,】 in each of the voting booths of such polling place, and at least three 【of each language in which they are printed】 in or about the polling place; shall open the sealed packages of official ballots and sample ballots, 【and place them in charge of the ballot clerks, and shall place the poll books in charge of the poll clerks,】 and shall cause to be placed at a distance of one hundred feet from the polling place the visible markers designated herein as “distance markers,” to prohibit “loitering or electioneering” within such distance. They shall also, before any ballots are cast, see that the voting booths are supplied with pencils having black lead only, unlock the ballot boxes, see that they are empty, allow the watchers present to examine them, and shall lock them up again while empty in such manner that the watchers present and persons just outside the guard-rail can see that such boxes are empty when they are relocked.

After such boxes are so relocked they shall not be unlocked or opened until the closing of the polls of each election, and, except as authorized by law, no ballots or other matter shall be placed in them after they are so relocked and before the announcement of the result of such canvass and the signing of the original statement of canvass and the two certified copies thereof. The instruction cards and distance markers posted as provided by law shall not be taken down, torn or defaced during such election. 【The ballot clerks with the official and sample ballots, the inspectors with such boxes and register of voters, and the poll clerks with their poll books, shall be stationed as near each other as practicable within such inclosed space.】 One of the inspectors shall then make proclamation that the polls of the election are open, and of the time in the afternoon when the polls will be closed.

§ 【313】182. Supplying vacancies and absences. If at the time of any meeting of the inspectors *or canvassing inspectors for a primary, general or special election* there shall be a vacancy or if any inspectors *or canvassing inspectors* shall be absent from such meeting, the inspector present who shall be a member of the same political party as the absent inspector *or if there be no*

such inspector or canvassing inspector present the other inspector or inspectors or canvassing inspector or inspectors or if there be no such inspectors present any ten qualified voters of the district shall appoint a qualified voter of the district, who shall be a member of the same political party as the absent inspector, to act in the place of such absent inspector or canvassing inspector for the whole of that day. And the person so appointed shall be paid the amount which the absent inspector, if he had been present, would be entitled to be paid for his services upon that day, and the absent inspector shall not be paid for any services for that day.

【If two inspectors, who are members of the same political party, shall be absent from any such meeting on election day, the poll clerk, if he be present, and if he be absent then the ballot clerk, or the general clerk, who is a member of the same political party as the absent inspectors, shall appoint two qualified voters of the district, who shall be members of the same political party as the absent inspectors, to act in the place of such absent inspectors for the whole of that day; and the persons so appointed shall be paid the amounts which the absent inspectors, if they had been present, would have been entitled to be paid for their services upon that day, and the absent inspectors shall not be paid for any services for that day.】

If two inspectors, who are members of the same political party, shall be absent on any of the days of registration, the inspector or inspectors present shall appoint qualified voters of the district, who shall be members of the same political party as the absent inspectors, to act until such absent inspectors, or their successors duly appointed as hereinbefore provided, shall appear, and such persons, so serving temporarily, shall serve without pay;

If, at any such time, the offices of all inspectors are vacant, or no inspector shall appear within one hour after the time fixed by law for the opening of such meeting, the qualified voters of the district present, not less than ten, may designate four qualified voters of the district belonging to the political parties as specified in section **【three hundred and two】** *thirty-eight* to fill such vacancies **【or to act in the place of such inspectors respectively, until absent inspectors respectively appear】**.

【If at any time there shall be a vacancy in the office of any poll clerk, ballot clerk or general clerk, or if any such clerk shall be absent from a meeting which he is required to attend, the inspector

or inspectors present, who shall be a member or members of the same political party as the absent clerk, shall appoint a qualified elector of the district, who shall also be a member of the same political party as the absent clerk to fill such vacancy.】

Every person so appointed or designated to act as an inspector [or clerk] shall take the constitutional and statutory oath as prescribed by this chapter.

【§ 313-a. Filling vacancies in board of canvassing inspectors in cities of over one million inhabitants. In a city of over one million inhabitants, the provisions of section three hundred and thirteen shall apply to vacancies existing or occurring in the board of inspectors appointed to serve during the canvass and return of the votes; and any power or duty with respect to filling such vacancy devolved by such section upon one or more inspectors or other election officers shall be exercised by an inspector or inspectors of such board who may be present, in the same manner as such power or duties are exercised by an election officer serving before the close of the polls, regard being had to the party affiliation of the officer exercising such power as provided in section three hundred and thirteen.】

§ 【535】183. General duties of inspectors. One of the inspectors of election at each polling place shall be designated by the board of inspectors of election to receive the ballots from the voters voting【; or】 *one shall deliver ballots to voters, and the two other inspectors of opposite political faith shall be in charge of the registers; and if a majority of the inspectors shall not agree in such designations, they shall draw lots for such positions.* 【If it be an election for which voters are required to be registered, the other inspectors shall, before any ballots are delivered by the ballot clerks to a voter, ascertain whether he is duly registered. The ballot clerks shall not deliver any ballot to such voter until the inspectors announce that he is so registered. As each voter votes, the inspectors shall check his name upon such register, and, in a city of over one million inhabitants, shall enter therein in the column provided therefor opposite the name of such voter, the consecutive number upon the stub of the ballot or set of ballots voted by him. The inspector shall forthwith upon detaching the stub from any official ballot deposit the same in the box provided for detached stubs.】

【§ 214. Organization of boards of inspectors. 1. Before otherwise entering upon their duties the inspectors of each district

shall then immediately appoint one of their number chairman; or, if a majority shall not agree upon such appointment, they shall draw lots for that position.

2. In any election district outside of a city of over one million inhabitants, the chairman of the board of inspectors shall designate two inspectors, of opposite political faith, to act as poll clerks, and they shall have all the powers and duties of poll clerks under this chapter during the taking of the vote and until the completion of the duties of poll clerks, in preparation of the canvass, prescribed by sections three hundred and sixty-six and three hundred and sixty-seven of such chapter, after which time the general clerks, appointed as such under the foregoing provisions of this article, shall have the powers and duties of, and be known as, poll clerks for the purpose of the canvass of the votes and return thereof. Such general clerks shall be known as, and have the powers and duties of ballot clerks under the provisions of this chapter during the taking of the vote, and thereafter until they have completed the duties of ballot clerks prescribed by section three hundred and sixty-six.

4. In a city of over one million inhabitants, the four additional inspectors, to serve after the closing of the polls, shall appoint one of their number chairman in like manner, or, if a majority shall not agree upon such appointment, they shall draw lots for that position. At each election, the chairman of such board of additional inspectors shall designate two inspectors, of opposite political faith, to act as poll clerks, and they shall have all the powers and duties of poll clerks during the canvass of the votes, in addition to their powers and duties of inspectors.

4. In all proceedings of the inspectors acting as registrars, inspectors or canvassers, they shall act as a board, and, in a case of a question arising as to matters which may call for a determination by them, a majority of such board shall decide.】

【§ 77. Removals from, and filling vacancies in, board of primary election officers. Removals from boards of primary election officers shall be made, and vacancies occurring in such boards shall be filled, in the same manner as is provided in this chapter for making removals from boards of election officers and for filling vacancies therein on a day of registration.】

§ 【351】 184. Persons within the guard-rail. From the time of the opening of the polls until the announcement of the result of the canvass of the votes cast thereat, and the signing of the

official returns of such canvass and the copies thereof, the boxes and all official ballots shall be kept within the guard-rail. No person shall be admitted within the guard-rail during such period, except inspectors, [poll clerks, ballot clerks,] duly authorized watchers, persons admitted by the inspectors to preserve order or enforce the law, and persons duly admitted for the purpose of voting; provided, however, that candidates for public office voted for at such polling place may be present at the canvass of the votes.

§ [352] 185. Watchers, challengers; electioneering. Each political party or independent body duly filing certificates of nomination or designation of candidates [for offices to be filled] at any such election, or any two or more persons whose names are on the ballot to be voted thereat may, by a writing signed by the duly authorized county, city, town or village committee of such political party or independent body, or by the chairman or secretary thereof charged with that duty, or by such persons and delivered to and filed with one of the inspectors of election, appoint not more than two watchers to attend each polling place thereof. Such committee, chairman or secretary thereof for a city, county, town or village shall not appoint watchers for any polling place outside of such city, county, town or village, respectively. Each watcher must be a qualified elector of the city or county in which the election district for which he or she is appointed a watcher shall be located. Such watchers may be present at such polling place and within the guard-rail from at least fifteen minutes before the unlocking and examination of any ballot box at the opening of the polls of such election until after the announcement of the result of the canvass of the votes cast thereat and the signing of the returns of the canvass by the inspectors.

A reasonable number of challengers, at least one person of each such party or independent body, or such persons shall be permitted to remain just outside of the guard-rail of each such polling place, where they can plainly see what is done within such rail outside of the voting booths, from the opening to the close of the polls thereat. Each challenger must be a qualified elector of the city or county in which the election district for which he or she is appointed a challenger is located.

No person shall, while the polls are open at any polling place, do any electioneering within such polling place or within one hundred feet therefrom in any public street or in any building or room, or in a public manner, and no political banner, poster or

placard shall be allowed in or upon such polling place during any day of registration or of the election.

§ [315]186. Preservation of order by inspectors. All meetings of the board of inspectors shall be public. Such board and each individual member thereof shall have full authority to preserve peace and good order at such meetings, and around the polls of elections, and to keep the access thereto unobstructed, and to enforce obedience to their lawful commands. *There shall be no smoking in any polling place during the hours of an election.* The said board may appoint one or more voters to communicate their orders and directions, and to assist in the performance of their duties in this section enjoined. If any person shall refuse to obey the lawful commands of the inspectors, or by disorderly conduct in their presence or hearing shall interrupt or disturb their proceedings, they shall make an order directing the sheriff or any constable of the county, or any peace or police officer to take the person so offending into custody and retain him until the registration of voters or the canvass of the votes shall be completed, but such order shall not prohibit the person taken into custody from voting. Such order shall be executed by any sheriff, constable, peace or police officer, to whom the same shall be delivered, but if none shall be present, then by any other person deputed by such board in writing. The said board or any member thereof may order the arrest of any person other than an election officer violating or attempting to violate any of the provisions of this chapter.

§ [316]187. Ballot boxes. Separate ballot boxes appropriately and conspicuously marked must be provided as occasion shall require, to receive,

1. Ballots for presidential electors.
2. Ballots for general officers.
3. Ballots upon constitutional amendments and questions submitted.
4. Ballots upon town propositions and upon town appropriations.
5. Ballots defective in printing or spoiled and mutilated.
6. Stubs detached from ballots.

Each box shall be supplied with a sufficient lock and key and with an opening in the top large enough to allow a single folded ballot to be easily passed through the opening, but no larger. It shall be large enough to receive all the ballots which may be law-

fully deposited therein at any election, and it shall be well and strongly made and be free from checks and blemishes.

Each and every inspector of elections shall be personally responsible for the custody of each box and its contents from the time the election begins until the box is delivered, according to law, to the person entitled to receive it. Upon making any such delivery each inspector of elections shall be entitled to a receipt for each box delivered.

§ [317]188. Voting booths and guard-rails[.] *sample ballots.* There shall be in each polling place during each election, a sufficient number of voting booths, not less than one for every seventy-five registered voters in the district. Each such booth shall be at least three feet square, shall have four sides inclosed, each at least six feet high, and the one in front shall open and shut as a door swinging outward, and shall extend within two feet of the floor. Each such booth shall contain a shelf, which if made of wood shall have a smooth, plane surface and if made of any other material shall have a smooth surface and which shall be at least one foot wide, extending across one side of the booth at a convenient height for writing, and shall be furnished with such supplies and conveniences including pencils having black lead only, as will enable the voters to conveniently prepare their ballots for voting. Each booth shall be kept clearly lighted while the polls are open, by artificial lights if necessary.

A guard-rail shall be placed at each polling place at least six feet from the ballot boxes and the booths, and no ballot box or booth shall be placed within six feet of such rail. Each guard-rail shall be provided with a place for entrance and exit. The arrangement of the polling place shall be such that the booths can only be reached by passing within the guard-rail, and that the booths, ballot boxes, election officers and every part of the polling place except the inside of the booths shall be in plain view of the election officers and the persons just outside the guard-rail. Such booths shall be so arranged that there shall be no access to intending voters or to the booths through any door, window or opening, except by the door in front of said booth. *One of each kind of the sample ballots shall at any time in the day of election be furnished upon application to any voter entitled to vote at that polling place.*

§ [356]189. [Delivery of ballots to voters.] *Verification of voters.* While the polls of the election are open, the voters entitled

to vote and who have not previously voted thereat, may enter within the guard-rail at the polling place of such election for the purpose of voting, in such order that there shall not at any time be within such guard-rail more than twice as many voters as there are voting booths thereat, in addition to the persons lawfully within such guard-rail for other purposes than voting. The voter shall enter within the guard-rail through the entrance provided, and shall forthwith proceed to the inspectors and give his name, and, if in a city or village of five thousand inhabitants or over, his residence by street and number, or if it have no street number, a brief description of the locality thereof, [and if required by the inspectors shall state whether he is over or under twenty-one years of age.] *and shall in a district where registration is required to be personal thereupon sign his name in the proper column of the register designated for that purpose for such election.* One of the inspectors in charge of the registers shall thereupon compare the signature so made with the signature made by the elector in the register on registration day, and if said signature is the same or sufficiently similar to identify it as being written by the same person who wrote the signature on registration day, shall orally announce that fact and shall certify thereto by writing his initials after the signature so made by the elector, and shall thereupon announce the name and residence of the voter in a loud and distinct tone of voice. No persons shall be allowed to vote *at a general or special election* in any election district at any election where voters are required to be registered unless [his name shall be] *he is registered upon the registration books of such election district nor at any primary of any party election unless he is enrolled with such party in such district.*

[The right of any person to vote whose name is on such register shall be subject to challenge. If such voter is entitled to vote thereat and is not challenged, or if challenged and the challenge be decided in his favor, one of the ballot clerks shall then deliver to him one official ballot or a set of official ballots, folded by such ballot clerk in the proper manner for voting, which is: First, by bringing the bottom of the ballot to the perforated line, and second, by folding both sides to the center, or towards the center, in such manner that when folded the face of each ballot shall be concealed, and the printed number on the stub and the indorsement on the back of the ballot shall be visible, so that the stub can

be removed without removing any other part of the ballot, and without exposing any part of the face of the ballot below the stub, and so that when folded the ballot shall not be more than four inches wide.

No person other than an inspector or ballot clerk shall deliver to any voter within such guardrail any ballot, and they shall deliver only such ballots as the voter is legally entitled to vote, and also the sample ballot when the same is asked for.】

【§ 355. General duties of poll clerks during the taking of the vote. 1. Poll clerks shall keep a record of the persons voting or offering to vote. In an election district or at a special election where poll-books separate from the register are not required, the columns of the poll-books sections, of two copies of the register, and in cases where the registration of electors was required to be personal, the column for “signature or statement number of elector” in a copy of the register other than the one containing the signature or statement number of the elector made on a day of registration, shall be used for such record and shall constitute the poll-book.

2. Each poll clerk at each polling place for which official ballots are required to be provided, at any such election in a city of over one million inhabitants, and at any such election elsewhere which is not held at the time of a general election, shall have a poll-book for keeping the list of electors voting or offering to vote thereat at the election. Such book shall have nine columns headed respectively: “Number of elector,” “Number of electors,” “Residence of electors,” “Age of electors,” “Signature or statement number of elector,” “Signature compared by inspector,” “Number on ballots delivered to electors,” “Number on ballots voted,” and “Remarks.” The column headed “Signature or statement number of elector” shall have printed above each horizontal line the words “the foregoing statements are true;” provided, however, that the columns for “Signature or statement of elector” and “Signature compared by the inspector,” when the poll-book is prepared for use at a special election in an election district wholly outside of a city or village having five thousand inhabitants or more, may, in the discretion of the board or officer supplying such book, be omitted therefrom. The pages of such poll-book shall be numbered consecutively.

3. One of the poll clerks at each polling place shall be designated by the board of inspectors of election to question each

elector as required by law and it shall be his duty to question each elector in respect to his name, his age unless it be stated as over thirty years, his residence by street and number, or if it has no street number, a brief description of the locality thereof. In an election district where the poll-book is separate from the register, the answer of each elector to each such question shall be entered in ink by each poll clerk in the appropriate column of the poll-book kept by him, the name of each elector being placed in the alphabetical order of the first letter of his surname. Any elector whose registration was required to be personal shall, previous to his receipt of an official ballot, sign his name by his own hand and without assistance, using an indelible pencil or pen and ink, below the words "the foregoing statements are true" in the poll-book kept by the poll clerk who shall be designated by the chairman of the board of inspectors. No such signature shall be required of an elector whose registration was not required to be personal.

4. After an elector, whose registration was required to be personal, shall have so signed, and before an official ballot shall be given to him, one of the inspectors other than the inspector who receives the ballots from the electors shall compare the signature made in the poll-book with the signature theretofore made by the elector in the register on registration day, and if said signature is the same, or sufficiently similar to the signature written on registration day, as to identify it as being written by the same person who wrote the signature on registration day, said inspector shall thereupon orally announce that fact and shall also immediately certify that fact by writing his initials after such signature, in the column headed "signature compared by inspector," except that where the poll-book is a part of the register, he shall certify such fact by writing his initials after the signature so made by the elector. The inspector who shall so certify shall be chosen by lot by the board previous to the opening of the polls on election day, and if said inspector so chosen shall absent himself during the day, the board of inspectors shall fill his place by choosing by lot from the inspectors present another of the inspectors other than the inspector who receives the ballots from the electors.

5. If, on registration day, an elector whose registration was required to be personal had alleged his inability to so sign, then one of the poll clerks designated by the chairman of the board of inspectors shall read the same list of questions to the elector as

were required to be read on registration days from a book to be provided for election day, and to be known as "identification statement for election day," and said poll clerk shall write the answers of the elector thereto. Each of these statements shall be numbered and a number corresponding to the number on the statement sheet shall be entered, opposite the name of such elector answering the questions, in the column of the poll-book entitled "Signature or statement number of elector." The questions answered on registration day by the elector shall not be turned to or inspected until all the answers to said questions shall have been written down on election day by the poll clerk. Any person who shall prompt an elector in answering any questions provided in this subdivision shall be guilty of a felony. At the bottom of each such list of questions shall be printed the following statement: "I certify that I have read to the above named elector each of the foregoing questions and that I have duly recorded his answers as above to each of said questions," and said poll clerk who has made the above record shall sign his name to said certificate and date the same, and note the time of day of making such record.

6. The comparison of the signature of an elector made on registration and election days, and a comparison of the answers made by an elector on registration and election days, shall be had in full view of the watchers, and the right to challenge electors shall exist until the ballot shall have been deposited in the ballot box. If the signature of the elector or the answers to the questions made by the elector do not correspond, then it shall be the privilege of the watchers and challengers to challenge and the duty of each inspector to challenge, unless some other authorized person shall challenge.

7. Previous to each delivery of an official ballot or set of official ballots by the ballot clerk to an elector, in an election district and at any election where the poll-book is separate from the register, each poll clerk shall enter upon his poll-book in the first column the number of the elector, in the successive order of the delivery of ballots to electors. Each poll clerk in every election district of the state, at any election where official ballots are used, shall enter upon his poll-book in the appropriate column the printed number upon the stub of the ballots delivered to each elector, and the number on the ballots voted by him. If the ballot or set of ballots delivered to any elector shall be returned by him

to the ballot clerk, and he shall obtain a new ballot or set of ballots, each poll clerk shall write opposite the elector's name on the poll book kept by such clerk, in the proper column, the printed number on the stub of such ballot or additional set of ballots.

8. Each poll clerk shall make a memorandum upon his poll-book opposite the name of each person who shall have been challenged and taken either of the oaths prescribed upon such challenge, or who shall have received assistance in preparing his ballot and shall also enter upon the poll-book, opposite the name of such person, the names of the election officers or persons who render such assistance, and the cause or reason for such assistance by the elector assisted.

9. As each elector offers his ballot or set of ballots which he intends to vote to the inspector, each poll clerk shall report to the inspector whether the number entered on the poll-book kept by him as the number on the ballot or set of ballots last delivered to such elector is the same as the number on the stub of the ballot or set of ballots so offered. As each elector votes, each poll clerk shall enter in the proper column on his poll-book the number on the detached stub of the ballots voted.】

【§ 354. General duties of ballot clerks. Ballot clerks shall fold and deliver the ballots to voters. Ballots shall be delivered in numerical order beginning with number one. When the ballots are in sets they shall only be delivered in sets. If a ballot is found to be defective or mutilated before it is delivered to the voter, its stub and the stubs of all other ballots in the set shall immediately be detached and placed in the box for stubs, and all the ballots of that set shall immediately be marked "canceled" and placed in the box for spoiled and mutilated ballots. If a voter returns a ballot as defective, mutilated, defaced, or wrongly marked, he shall also return all the other ballots of the set, if any, and the ballot clerks shall likewise remove their stubs, placing all the stubs in the box for stubs and all the ballots of the set in the box for spoiled or mutilated ballots, first marking the ballots "cancelled." In each case the voter shall receive another ballot, or set of ballots, unless not entitled thereto under section three hundred and fifty-eight.

Upon each delivery of official ballots, the ballot clerks shall announce the voter's name and the number on the stub, and they shall make a similar announcement when any ballot is returned to them.

The ballot clerks shall keep a record of all ballots deposited in the box for spoiled and mutilated ballots.】

【§ 78. Primary poll-books, for use at extra primaries outside of cities of over one million inhabitants. The provisions of this section shall apply only to primary districts outside of a city having over one million inhabitants and only to official primaries held by order of the court or a judge, under the provisions of section fifty-six. The provisions of this section shall not apply to the regular spring or fall primary. Each primary poll-clerk at each polling place at an official primary election, to which this section applies, shall have a poll-book for each election district within the primary district for keeping the list of enrolled voters voting, or offering to vote thereat. Such book shall have columns headed respectively "number of enrolled voter," "name of enrolled voter," "residence of enrolled voter," "number on ballots delivered to enrolled voter," and as many additional columns as there are political parties entitled to representation on the official ballot. At the head of each of such additional columns shall be printed the party names in the same order that they appear on the official ballot for the general election and underneath each party name shall be printed "number on ballot voted." There shall also be, at the right, a column headed "remarks."

Upon each delivery of an official primary ballot by the primary ballot clerk to an enrolled voter, the primary poll-clerk shall enter upon the poll-book of the election district in which the enrolled voter resides, in the appropriate column, the number of the enrolled voter, in the successive order of the delivery of the ballots thereto, the name of the enrolled voter in the alphabetical order of the first letter of his surname, his residence by street and number, or if he have no street number, a brief description of the locality thereof and the printed number upon the stub of the ballots delivered to such enrolled voter. If the ballot delivered to any enrolled voter shall be returned by him to the primary ballot clerk, and he shall obtain a new ballot, the primary poll-clerk shall write opposite his name on the poll-book in the proper column, the printed number of the stub of such ballot. Each primary poll-clerk shall make a memorandum upon his poll-book opposite the name of each person who shall have been challenged and taken either of the oaths prescribed upon such challenge, or who shall have received assistance in preparing his ballot and shall

also enter upon the poll-book opposite the name of such person the names of the primary officers or persons who render such assistance, and the cause or reason assigned for such assistance by the elector assisted.

As each enrolled voter offers the ballot which he intends to vote to the primary inspector, each primary poll-clerk shall report to the primary officers whether the number entered on the poll-clerk kept by him as the number on the ballot last delivered to such enrolled voter is the same as the number on the stub of the ballot the primary officers whether the number entered on the poll-book shall enter the number of the ballot voted in the column of the party whose ballot is offered. Upon the close of the polls of the primary election, the primary poll-clerks and all primary officers shall compare the poll-books with the registers and correct any mistakes found therein.】

【§ 78-a. Primary poll-clerks and poll-books in cities of over one million inhabitants. 1. The provisions of this section shall apply only to primary districts within a city having over one million inhabitants.

2. In every such city each primary poll-clerk at each polling place at an official primary election shall have a poll-book for keeping the list of enrolled voters voting or offering to vote thereat at the primary election. In each primary district of such city the poll-book shall be arranged in columns as provided in this section, and the leaves of such poll-book shall be indexed from A to Z. Columns one to eight inclusive shall be arranged upon the left hand pages of said book, and the remaining columns upon the right hand pages. The first column of the poll-book shall be entitled "number of voter voting at the primary," and in such column, as the name of each enrolled voter voting at such primary is recorded, shall be entered a number opposite the name, beginning with "one" opposite the name of the first voter voting at the primary of any party in such election district and continuing in numerical order to and including the last voter voting at such polling place. The second and third columns shall together be entitled "name of enrolled voter," with the respective sub-titles "surname" and "given name or names." As the enrolled voters in the respective parties present themselves to vote at such primary the surnames of such voters shall be entered in such second column in the alphabetical order of the first letter of such names on the pages bearing the index letters of such surnames. In the

third column shall be entered the christian or given name or names of such voters respectively. The fourth column shall be entitled "residence of enrolled voter," and in such column shall be entered the residence of each such voter by street and number or if it has no street number a brief description of the locality thereof. The fifth column shall be entitled "age of enrolled voter" and in such column shall be entered the age of each such voter, if thirty years of age or under, or the fact that the voter is over thirty years of age is so stated. The sixth column shall be entitled "party of enrolled voter," and in such column shall be entered the name of the party in which each such voter is enrolled and in whose primary he is participating. The seventh column shall be entitled "signature of enrolled voter (or number of identification statement)," and above each horizontal line in said column shall be printed the words "The foregoing entries are true and correct," and in such column, below such words printed above the line on which his name is entered, each voter participating in the primary shall sign his name by his own hand and without assistance, using an indelible pencil or ink, or in default of such signature (in case only of inability to sign as hereinafter provided) shall be entered the number of such voter's identification statement. The eighth column shall be entitled "signature compared by inspector," and before the voter shall receive a primary ballot, one of the inspectors, other than the inspector who receives the primary ballots from the enrolled voters, shall compare the voter's signature then and there made in such poll-book with the same voter's signature theretofore made in the registration book on registration day, and such inspector shall then and there sign his initials in said eighth column in evidence thereof. The ninth and tenth and eleventh columns shall be grouped together under the title "number of primary ballot delivered to enrolled voter" with the respective sub-titles "first ballot," "second ballot," "third ballot," and in such column or columns, beginning with the ninth, shall be entered the number of the ballot (or successive ballots) delivered to such voters respectively. Then shall follow as many columns as there are parties holding a primary in such election district, grouped together under the title "number on primary ballot voted," and at the top of each column shall be printed the name of one of such parties, the party names to be arranged in the order of the size of their respective vote for governor at the last preceding general election, the party casting

the highest number of votes for governor to come first, and so on; and the number upon the ballot voted by each such enrolled voter shall be entered in the column bearing the name of the party whose ballot he casts. The last column in such poll-book shall be entitled "remarks regarding challenges, oaths, and other facts required to be recorded," and in such column shall be entered, opposite the name of each voter, such record of challenges, oaths, and other facts relating to him as this law requires to be entered in the poll-book and are not otherwise provided for.

3. One of the primary poll-clerks at each polling place at an official primary election shall be designated by the chairman of the board of primary inspectors to ask each enrolled voter offering to vote at the primary election the questions required by law, and it shall be the duty of such primary poll-clerk to question such voter respecting his name, his age, his residence by street and number, or if it has no street number, a brief description of the locality thereof, and the name of the party in which he is enrolled; it shall also be the duty of each primary poll-clerk to enter in ink in the appropriate column the answer given to each question by each voter.

4. The procedure with respect to recording in each such poll-book the names of and other particulars concerning the enrolled voters presenting themselves to vote at any primary, obtaining, comparing and certifying to their signatures prior to the delivery of ballots to them, or obtaining identification statements in lieu of such signatures, recording and announcing the ballots delivered and voted, making and recording challenges, and all other procedure with respect to the taking of the vote at any party primary shall be the same as that prescribed for the general election, and except as otherwise provided in this article, all provisions of article ten of the election law applying to the taking of the vote at a general election shall apply equally to each party primary.】

【§ 80. Delivery of ballots and manner of voting. No voter at a primary election shall be given or be allowed to mark or cast the ballot of any party with which he has not enrolled. The folding and delivery of ballots and the manner of voting shall be the same as prescribed for the folding and delivery of ballots and the manner of voting prescribed by the provisions of this chapter relating to general elections so far* the same may be applicable, excepting that each ballot after detachment

of the stub by the officer charged with that duty shall be deposited in the separate box provided for the party designated on the ballot, and such officer, in addition to announcing the name of the voter and number of the stub, shall also announced the party name thereon.]

[§ 82. Preparation of ballot by voters. The voter, on retiring to the voting booth, shall prepare his ballot in the following manner: He shall make a cross X mark in the voting square at the left of the name of each candidate for whom he desires to vote. A cross X mark is any straight line crossing any other straight line at any angle within the voting space and no ballot shall be declared void because a cross X mark thereon is irregular in form. It shall not be lawful to make any mark on the ballot other than a cross X mark for the purpose of voting, and such mark shall be made only with a pencil having black lead, and only in the voting space to the left of the name of a candidate; except that the voter may write with a pencil having black lead in the blank space under the title of the proper office or party position the name of any person or persons for whom he desires to vote, whose name or names are not printed upon the ballot; not exceeding with the candidates for whom he has voted by cross X mark the total number of persons by whom such office or position is to be filled. It shall not be lawful to deface or tear a ballot in any manner, nor to erase any printed name, device, figure, word or letter therefrom, nor to erase any mark made thereon by such voter nor inclose in the folded ballot any other paper or any article. If the voter deface or tear a ballot, or wrongly mark the same or make an erasure thereon, he may obtain one additional ballot on returning to the ballot clerk the one so defaced or wrongly marked.]

[§ 71. Qualifications of voters at official primaries. No person shall be entitled to vote at any official primary unless he is duly enrolled and may be qualified to vote on the day of election. The primary election inspectors shall decide all questions that arise relating to the qualifications of voters.]

§ 190. *Delivery of ballots to voter. If the voter is not challenged, or if challenged the challenge is overruled, a ballot or a set of ballots shall be delivered to him. Ballots shall be delivered to voters in numerical order beginning with number one. When the ballots are in sets they shall be delivered only in sets. They shall be folded in the proper manner for voting, first by*

bringing up the bottom of the ballot to the perforated line, and second by folding both sides to the center or toward the center in such manner that when folded the fact of each ballot shall be concealed, and the printed number on the stub and the endorsement on the back of the ballot shall be visible, so that the stub can be removed without removing any other part of the ballot and without exposing any other part of the face of the ballot below the stub, and so that when folded the ballot shall not be more than four inches wide. The inspectors delivering ballots and receiving the same for voting shall announce the number of the ballots as they are delivered to and received from a voter and the inspectors in charge of the register shall enter in the appropriate columns of the two registers kept by them, being the copy containing the signature made on registration day and the copy used for signatures at such election as provided in section one hundred and forty-three of this act, the number of the ballots delivered to each elector and voted by him. If any elector shall be challenged, or received assistance in preparing his ballot, the inspector shall make a memorandum thereof in the remarks column in such registers, specifying in the latter case the names of the persons rendering assistance.

§ [361]191. Challenges. A person may be challenged either when he applies to the ballot clerk for official ballots, or when he offers to an inspector the ballot he intends to vote, or previously by notice to that effect to an inspector by any elector. It shall be the duty of each inspector to challenge every person offering to vote whom he shall know or suspect not to be duly qualified [as an elector,] *to vote at the election* and every person whose right to register as an elector was challenged at the time of registration, provided such challenge has not previously been withdrawn. In addition to the foregoing any person may be challenged by any duly appointed watcher or challenger either when he applies [to the ballot clerk] for official ballots or when he offers to an inspector the ballot he intends to vote or previously by notice to that effect to an inspector.

Whenever a person shall apply to the board of inspectors on election day to vote upon the name of a person whose right to register as an elector was challenged, it shall be the duty of the chairman of the board of inspectors or some member of such board to administer to such applicant the preliminary oath prescribed in the next section, and to read to such applicant

each question upon the copy of the challenge affidavit signed at the time of registration by the person upon whose name the applicant desires to vote, and the inspectors and watchers shall compare the answers given to such questions with the answers recorded thereto upon the copy of said challenge affidavit, and shall carefully compare the description of the person challenged at the time of registration recorded upon the copy of the challenge affidavit with that of the applicant. If there shall be any material difference or conflict between the answers given by the applicant and the answers recorded upon the copy of the challenge affidavit to the question printed thereon, or in the description of the person challenged and the applicant, or if the applicant shall refuse to answer any question put to him, or shall refuse to make such oath, his vote shall not be received and the facts thereof shall be recorded in each such case in the challenge record provided for in section [three hundred and sixty-four.] *one hundred and eighty-four.*

§ [362]192. Preliminary oath. If any person other than those persons heretofore provided for offering to vote at any election shall be challenged in relation to the right to vote thereat, one of the inspectors shall tender to him the following preliminary oath: "You do swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualification as an elector."

The inspectors or one of them shall then question the person challenged in relation to his name; his place of residence before he came into that election district; his then place of residence; his citizenship; whether he be a native or naturalized citizen, and if the latter, when, where, and in what court, or before what officer he was naturalized; whether he came into the election district for the purpose of voting at that election; how long he contemplates residing in the election district; and all other matters which may tend to test his qualifications as a resident of the election district, his citizenship, or his right to vote at such election at such polling place and in addition to the foregoing provisions, the inspectors or one of them shall ask the person challenged the same questions that were asked of him when he registered. A challenge made by any elector or by any duly appointed watcher or challenger must be acted upon by the board of inspectors as provided in this section. If any person shall refuse to take such preliminary oath when so tendered, or to

answer fully any such question which may be put to him, his vote shall be rejected. After receiving the answers of the person so challenged, the board of inspectors shall point out to him the qualifications, if any, in respect to which he shall appear to them deficient.

§ [363] 193. General oath and additional oaths. If the person so offering to vote shall persist in his claim to vote, and the challenge be not withdrawn, one of the inspectors shall then administer to him the following general oath :

“ You do swear (or affirm) that you are twenty-one years of age, that you have been a citizen of the United States for ninety days, and an inhabitant of this state for one year next preceding this election, and for the last four months a resident of this county, and for the last thirty days a resident of this election district, and that you have not voted at this election.”

If the person so offering to vote shall be challenged for causes stated in section two of article two of the constitution of this state, the following additional oath shall be administered by one of the inspectors :

“ You do swear (or affirm) that you have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contribute, offered or promised to contribute to another, to be paid, or used, any money or other valuable thing, as a compensation or reward for the giving or withholding of a vote at this election, and have not made any promise to influence the giving or withholding of any such vote, and that you have not made, or become directly or indirectly interested in any bet or wager depending upon the result of this election.”

If the person so offering to vote shall be challenged on the ground of having been convicted of bribery or any infamous crime, the following additional oath shall be administered to him by one of the inspectors :

“ You do swear (or affirm) that you have not been convicted of bribery or any infamous crime, or if so convicted, that you have been pardoned and restored to all the rights of a citizen.”

If any person shall refuse to take either oath so tendered his vote shall be rejected, but if he shall take the oath or oaths tendered him, his vote shall be accepted.

§ [364] 194. Record of persons challenged. 1. The inspectors of election shall keep a minute of their proceedings in respect to the challenging and administering oaths to persons offering to vote, in which shall be entered by one of them the name of

every person who shall be challenged or take either of such oaths, specifying in each case whether the preliminary oath or the general oath, or both, were taken. At the close of the election, the inspectors shall add to such minutes a certificate to the effect that the same are all such minutes as to all persons challenged at such election in such district.

2. In cities and villages having a population of five thousand or more, in addition to the foregoing record, the chairman of each board of inspectors shall, immediately after any election or primary, return to every public officer who has filed with him or a member of his board a list of voters to be challenged, such challenge list with a written statement opposite each name, giving the reason, if the name was voted on, why the board permitted any person to vote thereon, or, if some person applied to vote thereon and was challenged and did not vote, the words "challenged and did not vote;" or if no person applied to vote on such name, the words "no application." Before making such return such chairman shall sign his name at the foot of each page of such challenge list.

【§ 72. Challenges at official primary elections. The right of an enrolled voter to participate in any official primary election shall be subject to challenge at any time before his ballot is deposited in the ballot box. When any enrolled voter shall be challenged, the chairman, or one of the members, of said board, shall forthwith put to him an oath or affirmation to answer truly such questions as shall be put to him, and he shall be allowed to vote if, and only if, he shall make such oath or affirmation, and shall answer in the affirmative each of the following questions: "Are you (using the name which he has given as his name) ?

Do you reside, and have you, for thirty days last past, resided at (giving the address which he has given as his residence) ?"】

【§ 357】 195. Assistance to disabled or illiterate voters. Any voter who shall, at the time of registration, have made oath of illiteracy, as prescribed by section one hundred and 【sixty-four】 *thirty-two* of this chapter; or who, having been duly registered personally, shall state under oath to the inspectors of election on the day of election that, by reason of some accident, the time and place of which he must specify, or of disease, the nature of which he must also specify, he has, since the day upon which he registered, lost the use of both hands, or become totally blind,

or afflicted by such degree of blindness as will prevent him, with the aid of glasses, from seeing the names printed upon the official ballot, or so crippled that he can not enter the voting booth and prepare his ballot without assistance; or any duly registered voter in an election district who is not required by law to register personally, and who did not register personally, who is unable to write by reason of illiteracy, or is physically disabled in one or more ways described in section one hundred and [sixty-four] *thirty-two* of this chapter, and who shall make the statement under oath to the inspectors in the form required in said section, may choose two of the election officers, both of whom shall not be of the same political faith, to enter the booth with him to assist him in preparing his ballots. At any town meeting or village election where the election officers are all of the same political faith, any voter entitled to assistance as herein provided may select one of such election officers and one voter of such town or village of opposite political faith from such election officer so selected, to render such assistance.

Such election officer or persons assisting a voter shall not in any manner request or seek to persuade or induce any such voter to vote any particular ticket, or for any particular candidate, and shall not keep or make any memorandum or entry of anything occurring within such booth, and shall not, directly or indirectly, reveal to any other person the name of any candidate voted for by such voter, or which ticket he has voted, except they be called upon to testify in a judicial proceeding for a violation of this chapter, and each election officer, before the opening of the polls for the election, shall make oath that he "will not in any manner request, or seek to persuade, or induce any voter to vote any particular ticket or for any particular candidate, and that he will not keep or make any memorandum or entry of anything occurring within the booth, and that he will not, directly or indirectly, reveal to any person the name of any candidate voted for by any voter, or which ticket he has voted, or anything occurring within the voting booth, except he be called upon to testify in a judicial proceeding for a violation of the election law." The same oath shall be taken by every voter rendering such assistance, as provided for above, and any violation of this oath shall be a felony punishable upon conviction by imprisonment in a state prison for not less than two or more than ten years.

No voter except as herein provided shall otherwise ask or re-

ceive the assistance of any person within the polling place in the preparation of his ballot, or divulge to any one within the polling place the name of any candidate for whom he intends to vote or has voted.

§ [357-a] 196. Assistance to physically disabled voters. If on registration day any duly qualified voter make a claim that he is and on election day the fact of such physical disability be plainly manifest to the inspectors of election in the polling place where such voter is entitled to vote, then in such case such voter shall be permitted to have the assistance of his or her father, mother, brother, sister, husband, wife or child he may select or designate to aid him in the marking, preparation and casting of his ballot. The [poll clerk] *inspectors* shall note in the [poll book,] *two registers used to record the vote at such election* opposite the name of such voter, the statement "voter obviously physically incapacitated from marking ballot," and the name of the person assisting such voter. Such person assisting a voter shall not in any manner request or seek to persuade or induce any such voter to vote any particular ticket, or for any particular candidate, and shall not keep or make any memorandum or entry of anything occurring within such booth, and shall not, directly or indirectly, reveal to any other person the name of any candidate voted for by such voter, or which ticket he has voted, except he be called upon to testify in a judicial proceeding for a violation of this chapter, and each person before entering the booth to render such assistance shall make an oath that he "will not in any manner request or seek to persuade, or induce any voter to vote any particular ticket, or for any particular candidate, and will not keep or make any memorandum or entry of anything occurring within the booth, and will not, directly or indirectly, reveal to any other person the name of any candidate voted for by any voter, or which ticket he has voted, or anything occurring within the voting booth, except he be called upon to testify in a judicial proceeding for a violation of the election law." [Any violation of this oath shall be a felony punishable upon conviction by imprisonment in a stat prison for not less than two nor more than ten years. Any person voting, or offering to vote, who shall falsely pretend to represent to the inspectors of election or any of them, that he is incapacitated to mark or prepare his ballot, for the purpose of being enabled to have the aid and assistance allowed and provided in the preceding section, shall be guilty of a misde-

meanor, punishable by a fine not exceeding one thousand dollars, or imprisonment not exceeding two years, or both such fine and imprisonment.]

§ [331]197. Classification and form of ballots. [; form of ballots for candidates.] [1. General provisions.] There shall be [five] *six* kinds of ballots, called respectively ballots for presidential electors, ballots for general officers, ballots upon constitutional amendments and questions submitted, ballots upon town propositions, [and] ballots upon town appropriations, and *primary election ballots*, which shall be used for the purposes which their names severally indicate and not otherwise. Ballots for general officers shall contain the names of all candidates except presidential electors. All ballots shall be printed in black ink, on book paper of good quality free from ground wood, five hundred sheets of which twenty-five by thirty-eight inches in size shall weigh sixty pounds and shall test for that size and weight at least twenty points on a Morrison tester. They shall be rectangular in shape, not less than eight inches in width and twelve inches in length, and shall have a margin extending beyond any printing thereon.

All ballots of the same kind for the same polling place shall be of precisely the same size, quality and shade of paper, and of precisely the same kind and arrangement of type and tint of ink. A different, but in each case uniform, kind of type shall be used for printing the names of candidates, the titles of office, political designations, and the reading form of constitutional amendments and other questions and propositions submitted. The names of candidates shall be printed in capital letters in black-faced type not less than one-eighth nor more than three sixteenths of an inch in height.

Each ballot shall be printed on the same sheet with a stub and shall be separated therefrom by a horizontal line of perforations extending across the entire width of the ballot. On the face of the stub shall be printed the instructions to voters [hereinafter provided]. On the back of the stub, immediately above the center of the indorsement on the back of the ballot hereinafter referred to, shall be printed "No. " the blank to be filled with the consecutive number of the ballot, beginning with "No. 1," and increasing in regular numerical order.

On the back of the ballot, below the line of perforations, just to the right of the center, and outside when the ballot is folded,

shall be printed the following indorsement, the blanks being properly filled and the numbers running from one upward, consecutively:

Official ballot (for Presidential Electors,)

County of

..... Assembly District (ward or town.)

..... Election District.

(Date of Election.)

(Facsimilie of the signature of officer causing the ballot

to be printed.)

Each ballot shall be printed in sections, on which the candidates' names, emblems and political designations, or the constitutional amendment, or other questions submitted, with the voting squares, and other requisite matter shall be boxed in by heavy black lines in the manner indicated in the illustration of the ballot hereinafter provided. The voting squares and the spaces occupied by the emblems shall have a depth and width of five-sixteenths of an inch.

In case the sections shall be so numerous as to make the ballot unwieldy if they are printed in one column, they may be printed in as many columns as shall be necessary, and in that case, in order to produce an exactly rectangular ballot, blank sections may be used.

On each ballot shall be voting squares in which voters may make their voting marks. All voting squares shall be bounded by heavy black lines, the perpendicular lines to be not less than one-sixteenth of an inch wide. In all ballots there shall be a perpendicular column of these squares, and in the ballot for general officers, in the case of a candidate for governor or member of assembly nominated by two or more political organizations, the additional squares arranged horizontally as provided in subdivision three of this section. No voting squares shall be provided in the blank spaces for written names.

The ballots bearing the same number at the same election shall constitute a set of ballots.

Each political organization whose party name contains more than eleven letters shall select an abbreviated form thereof containing not more than eleven letters which shall be used upon the ballot whenever the necessities of space shall so require. The abbreviated form shall be certified at the same time and in the

same manner as party names are required to be certified. In printing the names of candidates whose full names contain sixteen letters or more not more than one name other than the surname shall be printed in full, and each candidate may indicate in writing to the officer or officers charged with the duty of preparing the ballots the form in which, subject to this restriction, his name shall be printed. No emblem shall occupy a space longer in any direction than the voting squares to which it relates.

[In conformity with the foregoing provisions and with the provisions of subdivision three of this section the face of the ballot for general officers shall be substantially in the following form:]

§ 198. Ballots for presidential electors. [2. Ballots for presidential electors.] The names of the presidential electors of each party shall be printed in one column indicating:

First. The electors at large, whose names shall be arranged in the alphabetical order of the surnames; and

Second. The electors of each district, whose names shall be arranged in the numerical order of their district.

The columns shall be parallel to each other and shall be separated by heavy black lines. In addition to the party columns a blank column with lines for writing shall also be provided in which voters may write the names of candidates for presidential electors not on the ballot and which shall be sufficient to contain as many names as there are electors to be chosen. It shall be designated as the blank column and shall contain no voting spaces. At the head of each party column shall be printed the party emblem; below this a blank circle three-quarters of an inch in diameter; below this the party name in large type; below this the names of the candidates for president and vice-president; and below this a heavy line dividing the heading from the names of the presidential electors. Above the name of the first elector shall be printed the words "presidential electors." The names of the presidential electors shall be printed in spaces one-quarter of an inch in depth, except that the first space containing also the words "presidential electors" shall be half an inch in depth. The spaces shall be divided from each other by light horizontal lines. At the left of the name of each elector shall be printed a voting space one-quarter of an inch square, except the space opposite the first name, which shall be half an inch in depth.

Each party circle shall be surrounded by the following instructions, plainly printed: "For a straight ticket, mark within this circle."

The columns for the presidential electors of independent bodies shall be similar to the party columns except that above the emblem in each column shall be printed the words "independent nominations" in large type like that used for the party names.

In the blank column the space occupied by the emblem and voting circle in the party column shall be occupied by the following instructions, plainly printed: "In the column below, the voter may write the name of any person for whom he desires to vote whose name is not printed on the ballot." Below the line dividing the heading from the blank spaces shall be printed, as in the other columns, the words "presidential electors."

The columns shall be arranged upon the ballot as directed by the secretary of state, precedence, however, being given to the several parties according to the number of votes for governor polled at the last preceding gubernatorial election.

On the stub at the top of the ballot shall be printed in heavy black type the following instructions:

"1. To vote for all the electors of one party make a cross X mark within the circle above the party column.

2. To vote for some, but not all, of the electors of one party make a cross X mark in the square at the left of the name of every candidate printed on the ballot for whom you desire to vote.

3. To vote for any candidate not on the ballot write his name in the blank space provided therefor.

4. Mark only with a pencil having black lead.

5. Any other mark or any erasure or tear on the ballot renders it void.

6. If you tear, or deface, or wrongly mark this ballot, return it and obtain another."

§ 199. Ballots for general officers. [3. Ballots for general officers.] The names of all candidates for any one office shall be printed in a separate section, and the sections shall be in the customary order of the offices and shall be numbered from one upward by a numeral printed in the upper right hand corner of the section. [The] *In printing the names of candidates* [shall be printed in their appropriate section in such order as the board of elections may direct,] precedence[, however, being] *shall be given, except as herein otherwise provided, to the candidate of the party which polled the highest number of votes for governor at the last preceding election for such officer, and so on. At the top of each section in the center shall be printed on one line the*

title of the office. On the same line, to the left of such title and immediately above the emblems and voting squares, there shall be printed a direction as to the number of candidates for whom a vote may be cast, which direction shall be punctuated by an exclamation point. If two or more candidates are nominated for the same office for different terms, the term for which each is nominated shall be printed as a part of the title of the office. At the bottom of each section as many separate spaces as there are candidates to be elected shall be left blank in which the voter may write the names of any candidates not on the ballot. Except as herein otherwise provided with respect to a candidate for the office of governor or of member of assembly who is nominated by more than one political organization, there shall be printed on each line below the top, in the following order, from left to right, the party emblem, the voting square, the candidate's name and the name of the party by which he is nominated. The width of the enclosure containing the name of the candidate and of such party shall not exceed three and one-half inches. In any case where a candidate for public office is nominated by more than one political organization, the party names and emblems shall appear in the order of priority based on the relative number of votes cast for governor by each organization at the preceding election of a governor. In any such case, the emblems shall be arranged horizontally before the voting square, beginning next to the square immediately preceding the name of the candidate with the emblem of the party casting the highest number of such votes. When any candidate for the office of governor or member of assembly is nominated by more than one political organization, there shall be one voting square, in the same horizontal row as the emblems, to the right of each emblem before the name of a candidate so nominated for such office. The final letter of the party name or names shall be close to the right hand perpendicular line of the box, and any space between the candidate's name and his party name or names shall be filled with dotted or waved lines.

On the stub at the top of the ballot shall be printed the following directions to the voter:

Instructions.

1. *This ballot must be marked with a pencil having black lead.*

[1]2. To vote for a candidate *whose name is printed* on this ballot make a single cross X mark in **[**one of the squares to the

right of an emblem opposite his name.】 *the voting space at the left of the name.*

【2】3. To vote for a candidate *whose name is not printed* [not] on this ballot write his name on a blank line under the candidates for that office.

【3. Mark only with a pencil having black lead.】

4. Any other mark *than the cross* × *mark used for the purpose of voting* or any erasure on this ballot is unlawful.

5. If you tear, or deface, or wrongly mark this ballot, return it and obtain another.

【In direction number one the words “right” and “emblem” shall be underlined.】 *The ballot shall be substantially in the following form:*

§ 【332】200. 【Form of ballots】 *Ballots* for questions submitted. The reading form of each proposed constitutional amendment or other question submitted as provided in section 【two hundred and ninety-five】 *fifty-one* of this chapter shall be printed in a separate section. At the left of each question shall appear two voting squares, one above the other, each at least one-half inch square. At the left of the upper square shall be printed the word “Yes,” and at the left lower square shall be printed the word “No.” On the stub at the top of the ballot shall be printed the following directions to the voter:

1. To vote “Yes” on any question make a cross × mark in the square opposite the word “Yes.”

2. To vote “No,” make a cross × mark in the square opposite the word “No.”

3. Mark only with a pencil having black lead.

4. Any other mark, erasure or tear on the ballot renders it void.

5. If you tear, or deface, or wrongly mark this ballot, return it and obtain another.

The questions shall be numbered consecutively on the face of the ballot, and on the back of each voting section shall be printed the number of the question which it contains.

So far as possible the ballots upon town propositions shall conform to the directions herein contained respecting the ballot on constitutional amendments and questions submitted.

§ 201. *Ballots upon town propositions and town appropriations.* All ballots for the submission of town propositions for raising or appropriating money for town purposes, or for incurring a town liability, to be voted at any town meeting in any town,

shall be separate from all other ballots for the submission of other propositions or questions to the electors of such town to be voted at the same town meeting or election. Such ballots shall be indorsed "ballot upon town appropriations."

§ [58]202. [Official primary ballot] *Primary election ballots.* [There shall be prepared, printed and supplied in the manner hereinafter provided for use at official primary elections, official primary ballots, and except as otherwise expressly provided in this chapter, no other ballot shall be used at an official primary election.

No names of candidates for any nomination to public office or election to a party position shall be printed upon the official primary ballot, except upon designation duly made as prescribed in this chapter; nor shall any names, words, or signs, or writing whatever be printed, written, stamped or in any manner placed upon an official primary ballot except as herein provided.]

[The official primary ballots shall conform in quality, weight, any style of printing, to the ballots prescribed in this chapter for use at the general election, excepting that the title of the party position or office shall be printed in a space three-eighths of an inch in depth, and the name of the candidate therefor shall be printed in a space one-fourth of an inch in depth, instead of one-half inch.] *The primary ballot for each party shall be in substantially the same form as the ballot for general officers at the general election except that it shall be designated as such primary ballot, and the names shall be printed thereon without emblems or other party designation.* The ballots of no two parties shall be of the same color. The secretary of state shall designate the color of ballots for each party. *The names of candidates for nomination for public office and of candidates for party position shall be shown in separate columns upon the ballot, at the top of which columns shall be the captions "Candidates for nomination for public office" and "Candidates for party positions" respectively.* [The ballot shall be printed upon the same leaf with the stub and separated therefrom by a perforated line. The part above the perforated line, designated as the stub, shall extend the entire width of the ballot, and shall be of sufficient depth to allow the following instructions to voters to be printed on the face thereof in type known as brevier, with the word "Instructions" in larger type above:

"This ballot must be marked with a pencil having black lead.

To vote for any candidate whose name is printed on this ballot make a cross X mark in the voting space at the left of the name. To vote for any person whose name is not printed on this ballot write the name of such person in the blank space provided for that purpose under the title of the public office or party position to which you wish him nominated or elected. Any other mark than the cross X mark used for the purpose of voting, or any erasure made on this ballot, is unlawful. If you tear or deface or wrongly mark this ballot, return it and obtain another, but only one additional ballot may be thus obtained."

Upon the face of the ballot and directly below the perforated line shall be printed the following: "Official ballot for the primary election of the (name of party) party," the name of the county and town or city; the date on which such primary is held; the party emblem; the assembly district number, number of the ward (in any city divided into wards), and the election district number, directly below which shall be printed a heavy black horizontal line.

The face of the ballot below the perforated line shall be divided into two parts by a heavy black vertical line one-fourth of an inch in width. Immediately below the perforated line in the center of the space at the left of said vertical line shall be printed the caption "Candidates for nomination for public office." Under said caption the names of candidates for nomination for public office shall be printed under the titles of the respective offices for which they are candidates respectively, in capital letters in black-faced type not less than one-eighth nor more than three-sixteenths of an inch in height, so that the names of all candidates for nomination for an office shall be printed under the title of said office, and so that the said offices shall appear in the same consecutive order in which they appear upon the official ballot for the general election. Immediately below the title of each public office shall be printed in brier lower case type a direction to the voters as to the number of persons to be voted for, in the following words: "Vote for " (the blank space being filled with the number of persons to be nominated for said office at the official primary election). Immediately below this division and separated therefrom by a horizontal line shall be printed the name or names of candidates duly designated for such office. The order in which the names of candidates shall appear under the title of an office shall be determined by the board or officer with

whom designations are filed by lot in the presence of the candidates or their representatives, if present, and other persons required to be notified. At least two days' notice by mail shall be given to all candidates whose names appear on designating petitions and to the members of the committees, if any, appointed by such petitions, of the time and place of such determination, except that when such designation petition is filed with the board of elections of the city of New York such notice shall be given only to the members of the committee, if any, appointed by such petition.

If a vacancy be filled after position of such names has been determined, the name of the newly designated candidate shall be printed in the order determined for the candidate whose designation was made vacant.

Immediately below the names of all the candidates in the case of each public office there shall be left a blank space or blank spaces equal in number to the number of candidates to be nominated for said office. The voter at the official primary election may write in such blank space or spaces the name of any person or persons for whom he desires to vote whose name or names are not printed upon the ballot. Voting spaces shall be provided at the left of each column opposite the names of candidates in the same manner as provided for on the official ballot for the general election.

Immediately below the said perforated line and in the space at the right of said vertical line shall be printed the caption "Candidates for party positions." Under said caption the names of candidates for election to party positions shall be printed under the titles of the respective party positions for which they are candidates respectively, so that the names of all candidates for a party position shall be printed under the title of said position, and so that the said party positions shall appear in the following order: member of state committee; member (or members) of county committee.

At the spring primary, in a presidential year, such heavy vertical dividing line shall be omitted, and under the caption "Candidates for party positions" the titles of such positions shall be printed in the following order: delegates and alternates at large to a national convention; district delegates and alternates to a national convention; member of state committee; member (or members) of county committee.

Immediately below the title of each of said party positions

shall be printed in brevier lower case type a direction to voters as to the number of persons to be voted for, in the following words: "Vote for " (the blank space being filled with the number of persons to be elected to said party positions at the official primary election). Immediately below this direction and separated therefrom by a horizontal line shall be printed the name or names of candidates duly designated for such party positions in such order as the board or officer with whom designations are filed may by lot determine, upon the notice and in the manner providing for determining the order in which candidates for nomination to public office shall be printed. Immediately below the names of all the candidates in the case of each party position there shall be left a blank space or blank spaces equal in number to the number of candidates to be nominated for said positions and the voter at the official primary election may write in such blank space or spaces the name or names of any person or persons for whom he desires to vote whose name or names are not printed upon the ballot. Voting spaces shall be provided at the left of each column opposite the names of the candidates in the same manner as provided for on the official ballot for the general election.

Where two or more candidates are to be elected to a party position, the names of candidates designated by each petition shall be grouped, and the order in which the groups shall be placed, together with the order of the names within each group, shall be determined by lot, in the manner provided in this section, for determining the order in which the names of candidates shall be printed under the title of an office or party position.

The officer or board charged with the duty of printing, preparing and distributing ballots shall determine in how many vertical columns the ballots shall be printed; provided, however, that the names of all persons designated for nomination to the same office or for election to the same party position shall appear in the same column.

To the left of the voting spaces, other than the voting spaces adjoining the heavy black vertical line dividing the names of candidates for public office from candidates for party positions, there shall also be a heavy vertical black line one-half the width of such dividing line, or one-eighth of an inch in width.

The names of candidates for nomination for public office and the names of candidates for party positions shall be numbered consecutively with arabic numerals printed in heavy faced type

at the left of the name of each candidate and at the right of the voting space aforesaid, from one upward beginning with the name of the first candidate for nomination for public office whose name is printed first upon the ballot in the column at the left and continuing consecutively through the names of said candidates for nomination for public office and then consecutively through the names of the candidates for party positions; except that where there are two or more candidates for a party position grouped as hereinbefore provided, each group shall have but one number, which shall be printed opposite the approximate center of the group, and there shall be between each group, including the group of spaces for names not printed, a blank space five-sixteenths of an inch in depth.

Where the name of a candidate for nomination for the same public office or for election to the same party position is designated by two or more petitions, it shall be placed upon a ballot only once; if a candidate for a party position to be filled by two or more persons be designated in more than one position, his name shall be printed only in the group of candidates designated by the petition first filed; provided that nothing herein contained shall prevent the printing of the name of a candidate upon the same official ballot as a candidate for nomination for public office and at the same time as a candidate for one or more distinct party positions.

On the back of the ballot below the stub and immediately at the left of the center of the ballot shall be printed the name and emblem of the party, and in great primer roman condensed capitals "Official primary ballot for," and after the word "for" shall follow the designation of the election district for which the ballot is prepared, the date of the primary election, and a facsimile of the signatures of the officer who has caused the ballot to be printed. Immediately above the center of such indorsement and upon the back of the stub, shall be printed the consecutive number of the ballot beginning on the ballot of each party, with "number one," and increasing in regular numerical order, and on the back of the stub below the number, the name of the party. All official primary ballots shall, so far as it conforms to the above description, be substantially in the following form:

§ 77-a. Duties of primary poll-clerks at spring or fall primary, outside of a city of over one million inhabitants. Upon each delivery of an official primary ballot by the primary ballot clerk to an enrolled voter, the primary poll-clerk shall

enter, opposite the name of the voter, in the appropriate column of the primary poll-book section of the register, of the election district in which the voter resides, the printed number on the stub of the ballot delivered. If the ballot delivered shall be returned and the voter shall obtain a new ballot, the poll-clerk shall in like manner enter the number on the stub of such ballot, in the same column opposite the name of the voter. When a voter is challenged and takes either of the challenge oaths, or is assisted in preparing his ballot, the fact shall be entered by each poll-clerk in his copy of the register, opposite the name of the voter, in the "remarks" column of the poll-book section, including in case the voter is assisted, the names of the primary officers or persons rendering the assistance, and the cause or reason assigned by the voter for such assistance. As each voter offers the ballot which he intends to vote, to a primary inspector, each poll-clerk shall report to the primary officers whether the number entered by him as the number on the ballot last delivered to such voter is the same as the number on the stub of the ballot so offered. As each enrolled voter votes, each poll-clerk shall enter the number of the ballot voted opposite the name of the voter in the appropriate column of the poll-book section of the register kept by him. At the close of the polls, the primary officers, including the poll-clerks, shall compare the entries made by such clerks, as provided in this section and correct any mistakes found therein.】

§ [81]203. Unofficial ballots. If, for any cause, the official ballots for any party shall not be provided as required by law at any polling place, upon the opening of the polls of any [primary] election thereat, or if the supply of official ballots [for any party] shall be exhausted before the polls are closed, unofficial ballots, printed or written, made as nearly as practicable in the form of the official ballot, may be used.

§ [137]204. [Death of candidate after printing of ballots;] *Use of official pasters.* [In case of the death of a candidate after the official ballots have been printed, and before election day, the vacancy may be filled by filing the proper certificate of nomination of a candidate to fill such vacancy, with the officer or board with whom the original certificate was filed, or by whom it was issued, and if filed with the secretary of state, the secretary of state shall immediately give the necessary notifications, and it then shall be the duty of the officer or board furnishing the official ballots to prepare and furnish to the inspectors of election in the

election districts affected adhesive pasters containing the name of the candidate nominated to fill the vacancy. The pasters shall be of plain white paper, printed in plain black ink and in the same kind of type as that used in printing the names of the candidates upon the official ballots, and shall be of a size as large as and no larger than the space occupied upon the official ballot by the name of the candidate in whose place the candidate named upon the paster has been nominated. If, however, the deceased shall be the candidate of several parties or bodies, and they shall not nominate the same candidate as his successor, a paster shall be prepared which shall contain the entire matter to be contained in the section on which such deceased candidate's name appears, and shall be pasted over the whole section and shall supersede it.

Whenever such pasters are provided, the officer or board furnishing them shall certify to the inspectors of election in the election districts affected by the vacancy, the name of the original candidate, the name of the new nominee, the title of the office for which the nomination is made, and the name of the political party or independent body making the nomination, and shall state the number of pasters furnished which number shall be equal to the number of official ballots furnished for such district. Upon] *Whenever pasters for ballots are furnished as provided in this article upon the delivery of said pasters, the inspectors of election shall sign a receipt for the same, which receipt shall be retained by the officer or board furnishing the pasters, and shall be part of the record of his or their office. The inspectors [shall deliver the pasters to the ballot clerks, who] are required to affix one of such pasters in the proper place and in a proper manner upon each official ballot before said ballot shall be delivered to a voter. When so affixed to the official ballot, the pasters shall be part of the official ballot. The [ballot clerks] inspectors shall include in their statement of ballots a statement showing the number of pasters received by them, the number of pasters affixed to official ballots and the number of unused pasters returned by them, the unused pasters to be inclosed in the package of ballots not delivered to voters.*

[The use of any paster upon the official ballot otherwise than as herein provided is hereby declared a felony, punishable by imprisonment in a state prison for not less than one nor more than five years.]

§ [358]205. Preparation of ballots by voters; intent of voters. On receiving his ballot the voter shall forthwith and

without leaving the inclosed space retire alone, unless he be one that is entitled to assistance in the preparation of his ballot, to one of the voting booths, and without undue delay unfold and mark his ballot as hereafter prescribed. No voter shall be allowed to occupy a booth already occupied by another, or to occupy a booth more than five minutes in case all the booths are in use and voters waiting to occupy the same.

It shall be unlawful to deface or tear an official ballot in any manner; or to erase any printed line, letter or word therefrom; or to erase any name or mark written thereon by a voter. If a voter wrongly mark, deface, or tear a ballot or one of a set of ballots, he may successively obtain others, one set at a time, not exceeding in all three sets, upon returning to the [ballot clerks] *inspectors* each set of ballots already received.

The voter shall mark his ballot with a pencil having black lead as follows and not otherwise:

1. To vote for any candidate on any ballot, except for an entire group of presidential electors by means of a single mark as hereinafter provided, he shall make a cross \times mark in the voting square at the left of the candidate's name.

2. To vote for any candidate not on the ballot, he shall write the candidate's name on a line left blank in the appropriate place.

3. To vote for an entire group of presidential electors, nominated by any party, he shall make a cross \times mark in the circle above the party column. If, on a ballot for presidential electors, the voter shall make such mark in the circle above a party column and also before the name of a candidate in such column, or in the voting squares before the names of two or more candidates in such column, without making a voting mark in any voting square of another column and without writing in any name, such individual voting marks shall be treated as surplusage and his vote shall be deemed to have been cast for all of the candidates whose names appear in the party column below such circle. If, however, a ballot for presidential electors shall be so marked in a party circle and in one or more voting squares in the column under such circle and also in any voting square or squares in another column or columns or a name or names be also written in, the vote on a ballot so marked shall only be counted for the candidates so specially indicated.

4. If, on a ballot for presidential electors, the voter shall make a cross \times mark in the circle above a party column and no voting mark in any voting square of the same column, and shall also

make a cross \times mark in the voting square before the name of a candidate in another party column, or in such squares before the names of two or more candidates in one or more of such other party columns, or writes in a name or names, he shall be deemed to have voted for the candidates whose names are thus specially indicated and also for all of the candidates whose names appear in the column below the circle containing such mark, except those whose names are printed in the latter column on a horizontal line with the names so specially indicated; provided, however, that if the voter shall make a cross \times mark in the circle above the party column and also cross \times marks in voting squares before any two or more names on the same horizontal line or write a name in a blank space on a horizontal line with one or more names so individually marked, his vote shall be counted only for candidates for the office of presidential elector which, by individual voting marks or by writing, he shall have specially indicated, though there be no such marks in the column under such circle.

5. To vote on any constitutional amendment or question submitted, he shall make a cross \times mark in the appropriate voting square at the left of the question as printed on the ballot.

A cross \times mark shall consist of any straight line crossing any other straight line, at any angle, within a circle or voting square. Any mark other than a cross \times mark or any erasure of any kind shall make the whole ballot void except that when such mark or erasure is made in a voting square it shall make the ballot blank only as to the office or question in which such mark or erasure occurs; but no ballot shall be declared void or partially blank because a cross \times mark thereon is irregular in form. Any ballot which is defaced or torn by the voter shall be void. If a voter shall do any act extrinsic to the ballot itself, such as inclosing any paper or other article in the folded ballot, such ballot shall be void. If the elector marks more names than there are persons to be elected to an office, or if for any other reason it is impossible to determine the elector's choice of a candidate for an office to be filled, his vote shall not be counted for such office but shall be returned as a blank vote for such office. Where, in the case of a candidate for governor or member of assembly, the candidate is nominated by two or more political organizations, and the voter makes a cross \times mark in two or more voting spaces or squares, his vote for such candidate shall be counted, but he shall not be recorded in the tally sheet or returns as voting with any particular party or independent body for such candidate.

§ [359]206. Manner of voting. When the ballot or ballots which a voter has received shall be prepared as provided in the preceding section, he shall leave the voting booth with his ballot folded so as to conceal the face of the ballot, but show the indorsement and facsimile of the signature of the official on the back thereof, and, keeping the same so folded, shall proceed at once to the inspector in charge of the ballot box, and shall offer the same to such inspector. Such inspector shall announce the name of the voter and the printed number on the stub of the official ballot so delivered to him in a loud and distinct tone of voice. If such voter be entitled then and there to vote, and be not challenged, or if challenged and the challenge be decided in his favor, and if his ballot or ballots are properly folded, and have no mark or tear visible on the outside thereof, except the printed number on the stub and the printed indorsement on the back, and if such printed number is the same as that entered on the poll books as the number on the stub or stubs of the official ballot or set of ballots last delivered to him [by the ballot clerks], such inspector shall receive such ballot or ballots, and after removing the stub or stubs therefrom in plain view of the voter, and without removing any other part of the ballot, or in any way exposing any part of the face thereof below the stub, shall deposit each ballot in the proper ballot box for the reception of voted ballots, and the stubs in the box for detached ballot stubs. Upon voting, the voter shall forthwith pass outside the guard-rail unless he be one of the persons authorized to remain within the guard-rail for other purposes than voting.

No ballot without the official indorsement shall be allowed to be deposited in the ballot box except as provided by sections [three hundred and forty-five] *sixty-two* and [three hundred and sixty] *two hundred and three* of this chapter, and none but ballots provided in accordance with the provisions of this chapter shall be counted. No official ballot folded shall be unfolded outside the voting booth. No person to whom any official ballot shall be delivered shall leave the space within the guard-rail until after he shall have delivered back all such ballots received by him either to the inspectors or to the ballot clerks, and a violation of this provision is a misdemeanor.

When a person shall have received an official ballot from the [ballot clerks or] inspectors, as hereinbefore provided, he shall be deemed to have commenced the act of voting, and if, after receiv-

ing such official ballot, he shall leave the space inclosed by the guard-rail before the deposit of his ballot in the ballot box, as hereinbefore provided, he shall not be entitled to pass again within the guard-rail for the purpose of voting, or to receive any further ballots.

§ 360. When unofficial ballots may be voted. If, for any cause, the official ballots shall not be provided as required by law at any polling place, upon the opening of the polls of an election thereat, or if the supply of official ballots shall be exhausted before the polls are closed, unofficial ballots, printed or written, made as nearly as practicable in the form of the official ballot, may be used.]

§ [365]208. Time allowed employees to vote. Any person entitled to vote at an election held within this state, shall on the day of such election be entitled to absent himself from any service or employment in which he is then engaged or employed, for a period of two hours, while the polls of such election are open. If such voter shall notify his employer before the day of such election of such intended absence, and if thereupon two successive hours for such absence shall be designated by the employer, and such absence shall be during such designated hours, or if the employer upon the day of such notice makes no designation, and such absence shall be during any two consecutive hours while such polls are open, no deduction shall be made from the usual salary or wages of such voter, and no other penalty shall be imposed upon him by his employer by reason of such absence. This section shall be deemed to include all employees of municipalities.

§ [13]208. [Certification of registers, with respect to enrollment occurring] *Enrollment* on the day of general election. *In any district in which personal registration is not required, a voter who was not enrolled on a day of registration may be enrolled on a general election day in the manner prescribed in section one hundred and fifty-seven of this act.* At the close of the day of general election or on the following day [in each year,] in an election district in which the enrollment of any voters is permitted under this article on the day of such election, the board of election inspectors shall severally subscribe [and verify] four declarations one of which shall be printed on and attached to each of the original registers[. Such] *which* declarations shall be to the effect that the persons having enrollment numbers, as shown by the two

copies of the register used for enrollments, whose number is higher than the last enrollment number used on the last preceding day of registration, constitute all of the persons voting in that district at such general election whose registration was not personal and who had not, after such registration, applied for enrollment on a day of registration.

§ [366]209. [Canvass of votes; preparation] *Preparation* for canvass. [1. Place and time of canvass.] As soon as the polls of an election are closed, the inspectors of election thereat shall publicly canvass and ascertain the votes, and not adjourn or postpone the canvass until it shall be fully completed.

The room in which such canvass is made shall be clearly lighted, and such canvass shall be made in plain view of the public. It shall not be lawful for any person or persons, during the canvass, to close or cause to be closed the main entrance to the room in which such canvass is conducted in such manner as to prevent ingress or egress thereby.

[2. Ballot clerks.] At the close of the polls the [ballot clerks] *inspectors* shall *compare the two registers used in the voting and shall* make up in [triplicate] *duplicate* in ink a return which shall account for all the official ballots furnished to the election district in which they are serving; they shall count and verify the number of each kind of unused ballots, and enter it upon their returns; they shall then open the box for ballots canceled before delivery and spoiled and returned by voters, separate them into their several kinds, count all ballots of each kind and enter the numbers upon their returns. They shall make the additions and subtractions called for by the returns and prove their figures. [In making their returns as aforesaid, the ballot clerks shall use the printed forms supplied to them with the ballots, and they shall carefully insert in all the blank spaces thereon the appropriate names, words and figures according to the directions contained in article nine of this chapter and printed on the forms.]

Each kind of ballot and each kind of stub shall immediately after they are counted as aforesaid be securely tied in a separate package, and shall be plainly labeled, sealed, and returned to the box from which it was taken, and the box securely locked and sealed. The [ballot clerks] *inspectors* shall also securely tie all unused ballots in a sealed package. [They shall then sign and swear to their returns before one of the inspectors and shall

deliver their returns, the boxes, packages, ballots and stubs, together with the keys of the boxes, to the chairman of the board of inspectors. The ballots so sealed and delivered shall be deposited and preserved as ballot boxes are hereinafter required to be deposited and preserved.

3. Poll clerks. Immediately upon the close of the polls the poll clerks shall assist the inspectors of election in comparing the poll-books, or comparing such books with the registers, as the case may be, as hereinafter provided, and shall make out in triplicate in ink and sign and swear to their returns before one of the inspectors of elections according to the forms provided, and deliver them to the chairman.】

【4. Order of canvassing.】 The ballot boxes shall then, and not before, be opened and the ballots shall be canvassed, in the following order:

First. The box, if any, containing presidential ballots.

Second. The box, if any, containing general ballots; and

Third. The boxes, if any, containing ballots upon constitutional amendments or other questions submitted, including town questions.

§ 【366-a】210. Special provision as to 【preparation for】 canvass in 【a city of over one million inhabitants】 *the city of New York*. In 【a city of over one million inhabitants,】 *the city of New York*, at the close of the polls of a general election, the 【ballot clerks】 *inspectors* shall immediately 【make and verify the ballot clerks return and】 perform the 【other】 duties prescribed by 【subdivision two of】 *the previous section* 【three hundred and sixty-six. In such city, the comparison of the poll books with the registers, provided for in section three hundred and sixty-seven, shall be made by the inspectors and poll clerks who attended during the taking of the vote, and they shall remain after the close of the polls for that purpose】. Such inspectors 【and poll clerks】 shall subscribe and deliver to the canvassing inspectors a certificate, in 【triplicate】 *duplicate*, 【on a form to be provided by the board of elections,】 of the total number of persons who voted at the polling place as appears from the poll books and registers after correcting mistakes, if any, therein. *The canvassing inspectors shall appoint one of their number as chairman or if a majority shall not agree upon such appointment, they shall draw lots for the position. The chairman shall then designate two inspectors of opposite political faith to act as poll*

clerks. The canvassing inspectors shall act as a board and a majority shall decide. Upon the completion of the foregoing duties by the inspectors of election, and the organization of the canvassing inspectors [by the selection of a chairman and designation of poll clerks from their number,] the inspectors, [poll clerks and ballot clerks] who attended at the taking of the vote shall retire and shall deliver to the police all unvoted ballots, stubs, books, records, boxes, keys and other election paraphernalia except the voted ballots, the boxes containing them and the things necessary for the use of the canvassing inspectors; [and thereupon the canvassing inspectors shall have charge of all ballots, ballot boxes, with their keys, stubs, packages, books, records, forms, returns and other election paraphernalia in the polling place]. Such canvassing inspectors [and the poll clerks so designated,] shall then have the powers and duties of the board of inspectors [and poll clerks] respectively, in the count and return of the vote. [and the performance of any power or duty devolved upon the board of inspectors or poll clerks by this article after the comparison of the poll books with the registers. The chairman of such canvassing inspectors, chosen as provided in section three hundred and fourteen, shall be the chairman of such board of inspectors. The certificate as to the number of voters who voted at the polling place, made by the retiring inspectors and poll clerks, shall be annexed to the ballot clerks' returns before the filing thereof as provided by law.]

The returns of canvass shall be subscribed and verified and the tally sheets subscribed and certified by the inspectors who canvass the vote. The words "acting as poll clerk" shall be added to the subscription of each inspector so acting, instead of requiring his signature in each separate capacity; and the forms provided in *this act* [sections three hundred and thirty-five, three hundred and thirty-seven and three hundred and thirty-eight], so far as they relate to the subscription thereof, shall be so altered and printed as to provide for a compliance with the foregoing provisions. [In such city, three of the canvassing inspectors may swear to the returns of canvass before the chairman, and the chairman before any of such inspectors. The ballot clerk's return may be sworn to before any election officer of the election district.]

§ [367]211. **【Comparing poll-books and registers; verifying】***Verifying* number of ballots. The board of inspectors shall commence the canvass **【by comparing the two poll books, and where the poll books are separate from the register by comparing the poll books with the registers used on election day, as to the number of voters voting at the election, correcting any mistakes therein, and, after the ballot clerks have delivered their returns to the chairman of the board, and not before.】** by counting the ballots found in the ballot boxes without unfolding them, except so far as to ascertain that each ballot is single, and by comparing the number of ballots found in each box with the number shown by the poll books and the ballot clerk's returns to have been deposited therein.

If the ballots found in any box shall be more than the number of ballots so shown to have been deposited therein, such ballots shall all be replaced, without being unfolded, in the box from which they were taken, and shall be thoroughly mingled therein, and one of the inspectors designated by the board shall, without seeing the same and with his back to the box, publicly draw out as many ballots as shall be equal to such excess and, without unfolding them, forthwith enclose them in an envelope which he shall then and there seal and indorse "excess ballots from the box for ballots for (presidential electors, or general offices, et cetera, as the case may be)," signing his name thereto, and such envelope with the excess ballots therein shall be placed in the box for defective or spoiled ballots.

If two or more ballots shall be found in the ballot box so folded together as to present the appearance of a single ballot, and if the whole number of ballots in such ballot box exceeds the whole number of ballots shown by the poll books and ballot clerks' returns to have been deposited therein, and not otherwise, they, or enough of them to reduce the ballots to the proper number, selection to be made without examination of any voting mark thereon, shall similarly be inclosed, sealed, indorsed and placed with the spoiled ballots.

If, however, there lawfully be more than one ballot box for the reception of ballots voted at the polling place, no ballot found in the wrong ballot box shall for that reason be rejected, but shall be placed in its proper box by the inspectors upon the count of the ballots before the canvass, and counted in the same manner as if found in the proper ballot box, if such ballot shall not, together

with the ballots found in the proper ballot box, make a total of more ballots than are shown by the poll books and ballot clerks' returns to have been deposited in the proper box.

No ballot that has not the official indorsement shall be counted except such as are voted in accordance with the provisions of this chapter relating to unofficial ballots.

§ **[368]**213. Method of canvassing.

1. Method of canvassing ballots generally. Except as hereinafter specially provided, the method of canvassing ballots shall be as follows:

The chairman of the board of inspectors shall personally unfold each ballot of the kind then to be canvassed in such a manner that its face shall be down and all marks thereon shall be wholly concealed, and he shall place all the ballots, so unfolded and with their faces down, in one pile. He shall then take up each ballot in order, turn it face up, and announce in a loud and distinct voice, the vote registered on the first section or that the ballot is void or that the section is blank, as the case may be. He shall then turn the ballot face down and place it in a new pile. When he has announced the votes on the first sections of all the ballots of the kind then to be canvassed, and the poll clerk's tallies made as hereinafter provided are proved to be correct, the official return provided for in article thirteen shall be filled out and signed. Then, and not before, the chairman shall proceed to canvass in like manner the votes upon the sections remaining to be canvassed, completing the canvass of each ballot as he proceeds, and thus he shall proceed until all the ballots have been canvassed.

As each vote is announced each poll clerk shall immediately tally it in black ink, with a downward stroke from right to left upon the official tally sheet provided for the purpose, also carefully tallying one for each blank or void vote. Each poll clerk as he tallies a vote shall clearly announce the name of the candidate for whom he tallies it, or that he tallies the vote blank or void as the case may be, or in case of a question submitted that he tallies the vote "Yes" or "No" as the case may be, and until such announcement by each poll clerk the chairman shall not announce another vote. When a candidate's name is not printed on the official tally sheet or return provided, it shall be written in full thereon in ink in its due order, that is, in the order in which it appears on the ballot. The tally marks shall be made in due numerical order in the tally spaces provided.

3. The tally sheet for constitutional amendments or other questions submitted shall be in all respects like the form provided by this section for the tally of votes for officers except in the following particulars:

(a) At the top of the sheet shall be printed the words: "Official tally of votes cast on question number one" (or other brief designation).

(b) The matter at the top of the tally sheet, except the title, the blanks to be filled in for the purpose of specifying the date and place of election, and the words "Total number of votes to be canvassed," shall be omitted.

(c) In place of the candidates' names in the left hand column shall be printed the words "For (or against, as the case may be) question No. (or other brief designation)."

(d) The lines of tally squares left on the form herewith printed for names of candidates not on the ballot shall be omitted.

(e) The fourth instruction for tallying shall read as follows: "4. Tally once for each vote, whether counted for or against the question, or blank, or void."

When all the sections relating to the same office or question shall have been canvassed, the number of ballots shall be compared with the tally thereof. If the result as shown on the tally sheets does not agree with the results as shown by the number of ballots, an error has been committed and a recanvass must be made. Upon the recanvass, the tally must be kept in red ink from left to right across the previous tally marks. When all the errors have been corrected and the tally sheets have been found to be correct, the poll clerks shall indicate the last tally opposite each name by forthwith canceling at least the next ten unused tally spaces, if there are so many, and if there are not so many, then as many as possible by drawing through them in red ink one or more horizontal straight lines. The tally sheets having been thus prepared, verified, and closed, the inspectors and poll clerks shall sign the certificate at the foot of each sheet in the places indicated thereon.

2. Canvassing ballots when more than one candidate is to be elected to the same office. When more than one candidate is to be elected to the same office, the foregoing method of canvass shall be modified to meet the necessities of the case, as follows:

The chairman shall read the names of the candidates voted for in the order in which they appear in the section, and each poll

clerk shall make an accurate tally of each vote as announced upon the official tally sheet provided for the purpose. The chairman shall also announce the void ballots, if any, and the number of blanks, if any, upon the section, and each poll clerk shall make as many tallies for each void ballot as there are candidates thereon to be elected to the office in question, and one tally for each blank.

3. Canvassing presidential ballots. The straight ballots, that is, all valid ballots on which all the candidates in any party group are voted for, shall be placed in piles, like with like, and the split ballots, that is, all valid ballots marked in one or more of the individual voting squares or with names written thereon, shall be placed in one pile, and all void ballots and wholly blank ballots shall be likewise placed in separate piles. Each of the piles shall then be counted and the result clearly announced, and the number of straight votes for each candidate shall be entered in gross opposite his name on a tally sheet by each poll clerk, and the number of split, void and wholly blank ballots shall be similarly entered in their appropriate places. The chairman shall then take the split ballots and they shall be canvassed, announced and tallied in the manner above provided for canvassing ballots when more than one candidate is to be elected to the same office.

§ [369]214. Objections to the counting; disposal of ballots. If objection is taken to the counting of any ballot or section, the board of inspectors shall forthwith and before canvassing any other ballot or section rule upon the objection. If the objection is continued after this ruling, the chairman, or if he refuse, one of the other inspectors, shall write in ink upon the back of the ballot a memorandum of the ruling and objection. The memorandum of the ruling shall be in the words "Counted void," or "Counted blank," or "Counted for (naming the candidate or candidates or the presidential ticket)," or, in the case of a question submitted "Counted for Question No. —," or "Counted against Question No. —," as the case may be. The memorandum of the objection shall be in the words "Objected to," followed by a brief statement of the nature of the objection and the signature of the chairman or other inspector.

Any ballot as to the counting of which objection is not taken but which is wholly blank or wholly void shall be indorsed in ink by the chairman of the board of inspectors, or if he refuse, by one of the other inspectors, with the words, "Wholly blank" or "Wholly void," as the case may be, and this memorandum of in-

dorsement shall be followed by the signature of the chairman or other inspector.

In each case in which objection is taken or in which any ballot is canvassed as wholly blank or wholly void, each poll clerk shall tally once in the place provided at the foot of the tally sheet.

When all the ballots of any one kind shall have been canvassed, the chairman of the board of inspectors or, if he refuse, one of the other inspectors, shall carefully and securely place all the ballots of that kind as to the counting of which any objection was taken, all ballots which are wholly void, and ballots which are wholly blank, in a separate sealed package, which shall be indorsed on the outside thereof with the names of the inspectors, the designation of the election district, and the number and kind of ballots contained therein. The package so sealed shall be known as the package of protested, void and wholly blank ballots and shall be disposed of as hereinafter provided [in sections three hundred and seventy-six, three hundred and seventy-seven, three hundred and seventy-eight and three hundred and eighty of this chapter]. The other ballots shall be tied together, labeled, and returned to the ballot box from which they were taken before proceeding to canvass the next kind of ballots to be canvassed.

[Any inspector who shall refuse to write in ink upon the back of any ballot a memorandum of a ruling or objection to the counting thereof, or shall refuse to place in the package of protested ballots any ballot as to the counting of which any objection has been taken, shall be guilty of a felony.]

§ [370]215. Proving the tallies. 1. Proving the tally of ballots other than those for presidential electors. Immediately upon counting the vote for any question, or for any office other than that of presidential elector the poll clerks shall verify their figures by adding together all the votes tallied therefor, whether for a candidate, or for or against a question, or as void or blank. If, in a case where more than one candidate is to be elected to one office, the number of votes tallied (including void and blank votes) does not exactly equal the number of ballots cast (including void and blank ballots) multiplied by the number of candidates to be elected, or if, in the case of a question submitted or in a case where only one candidate is to be elected to an office, the total number of votes tallied (including void and blank votes) shall not exactly equal the number of ballots cast (including void and blank ballots), an error has been committed and a recanvass

must be immediately made, as hereinbefore provided in section [three hundred and sixty-eight] *two hundred and thirteen* of this chapter.

2. Proving the tally of ballots for presidential electors. In the case of ballots for presidential electors, the poll clerks shall verify their figures as follows:

First, they shall add together the votes counted for electors of each party;

Second, they shall add together the votes counted for candidates not on the ballot;

Third, they shall add together the void and wholly blank ballots and shall multiply the sum so obtained by the number of electors to be elected;

Fourth, they shall add together the votes on the split ballots tallied as blank;

Fifth, they shall then add together the four sums so obtained.

If the total of these four sums shall not exactly equal the number of ballots cast (including void and blank ballots) multiplied by the number of electors to be elected, an error has been committed, and a recanvass must be immediately made as hereinbefore provided in section [three hundred and sixty-eight] *two hundred and thirteen* of this chapter.

§ [371] 216. General provisions as to canvass. The ballots shall at all times be kept on top of the table and in plain view of all parties entitled to examine them, until they have been tied into bundles as elsewhere provided. If requested by any person entitled to be present the inspectors shall, during the canvass of any ballot, exhibit to him the ballot then being canvassed, fully opened and in such a condition that he may fully and carefully read and examine it, but no inspector shall allow any ballot to be taken from his hand or to be removed from any pile by any person but the chairman. [Any person other than a constituted election officer who shall handle any ballot voted or unvoted or the stub thereof shall be guilty of a misdemeanor. Any person who shall mark, tear or deface any ballot of another with the intent of defeating or altering a vote or ballot, shall be guilty of a felony, and shall be punished upon conviction thereof by imprisonment in a state prison for a period of not less than five nor more than ten years.] *After the canvass is completed the stubs and ballots, except the protested, void and wholly blank ballots, shall be re-*

turned to their respective boxes and each box shall be securely sealed and locked.

§ [372]217. Statement of canvass to be delivered to police. In all cities and villages of five thousand inhabitants or more the chairman of the board of inspectors shall, forthwith upon the completion of the count of votes and the announcement thereof, deliver to the police officer on duty at such place of canvass a statement subscribed by the board of inspectors, stating the number of votes received by each candidate for office and the number of votes cast for and against all questions, propositions or constitutional amendments submitted. Such statement shall forthwith be conveyed by the said officer to the station-house of the police precinct in which such place of canvass is located, and he shall deliver the same inviolate to the officer in command thereof, who shall immediately transmit by telegraph, telephone or messenger, the contents of such statement to the officer commanding the police department of such city or village. In [a city of over one million inhabitants,] *the city of New York* such commanding officer shall cause all such returns to be immediately tabulated so that the final result may be known as early as possible, and within twenty-four hours of its receipt at the station-house such statement itself shall be filed with such commanding officer. Such statement shall be preserved for six months by the police, and shall be presumptive evidence of the result of such canvass for each such office.

§ [373]218. Returns of canvass. Upon completing the canvass, the inspectors [and poll clerks] *or canvassing inspectors* shall make and sign in ink their several returns in [triplicate, and shall verify them before the respective officers authorized for that purpose,] *duplicate* and shall sign and certify in ink each tally sheet to be certified by them. [In making their returns as aforesaid, the inspectors and poll-clerks shall use the printed forms supplied to them with the ballots, and they shall carefully insert in all the blank spaces thereon the appropriate names, words and figures according to the directions contained in article nine of this chapter and printed on the forms. In the absence of an officer authorized to take acknowledgments and proof of deeds, and for the purposes of this chapter, any election officer shall be authorized to administer the oath to any other election officer.] Each of the two tally sheets shall be securely attached by the

chairman to one of the returns relating to the same office or question and shall be treated as a part thereof.

【Any election officer who shall sign any statement of the canvass at any place other than the polling place, or at any time other than immediately after the canvass is completed; except under direction of a court, and any election officer or person who shall take from the polling place any such statement before it shall have been signed as herein provided, is guilty of a felony, and shall be punished, upon conviction thereof, by imprisonment in a state prison for not less than two nor more than five years.

If changes be necessary in any of the forms for tallies and returns, as prescribed in this article, the secretary of state shall prescribe the same.】

§ 【375】219. Proclamation of result. Upon the completion of such canvass and of the statements of the result thereof, the chairman of the board of inspectors shall make public oral proclamation of the whole number of votes cast at such election at such polling place for all candidates for each office; upon each proposed constitutional amendment or other question or proposition, if any, voted upon at such election; the whole number of votes given for each person, with the title of the office for which he was named on the ballot; and the whole number of votes given respectively for and against each proposed constitutional amendment or other question or proposition, if any, so submitted.

§ 【335】220. Form of 【ballot clerk's】 *inspector's return as to ballots cast*. The 【ballot clerk's return】 *inspector's return as to ballots* shall be in the following form:

INSPECTOR'S RETURN AS TO BALLOTS.

[BALLOT CLERK'S RETURN.]

General Election.

County of.....

.....Assembly District.

November.....19....

.....Election District.

Total number of Official Ballots for [General Officers] received.....	800	
Number cancelled before delivery to voters.....	2	
Number spoiled and returned by voters.....	20	
Number remaining unused.....	288	
Number of missing unused ballots.....	5	315
Number remaining to be accounted for in the ballot box.....		485
Number of detached stubs.....		
Number of stubs on unused ballots.....		
Total.....		

N. B. This total must exactly equal the number of ballots received.

[Repeat the foregoing form for a return of each additional kind of ballot.]

STATE OF NEW YORK, }
COUNTY OF..... } ss.:

The undersigned, being duly sworn, do depose and say, each for himself, that they have actually counted the cancelled ballots, and the ballots spoiled and returned by voters, and the detached stubs, and that the foregoing is a correct return of the ballots delivered to us for the election held on the _____ day of November, 19____, at the _____ Election District in the _____, and of the disposition thereof at such election.

Sworn to before me, this.... Inspector of Elections
day of November, 19.... Inspector of Elections
..... Inspector of Elections.
Inspector of Elections.

§ [337]221. Forms of return [and tally] of votes cast for presidential electors.

[1. Return.] The official return of votes cast for presidential electors *in a general election* shall be in the following form.

OFFICIAL RETURN OF VOTES CAST FOR PRESIDENTIAL ELECTORS.

General Election. County of.....
 Assembly District.
 November.....19..... Election District.

Number of ballots voted was:

Straight Ballots:

For [Republican] candidates.....

For [Democratic] candidates.....

[Print the names of the parties in the order
in which they appear on the ballot.]

Split Ballots.....

Ballots wholly blank (no vote being cast thereon for any candidate).....

Void Ballots (no vote being counted thereon for any candidate).....

Total.....

N. B. This total must exactly equal the number of ballots voted.

The candidates named below received the number of votes set opposite their respective names:

NAME	NUMBER OF VOTES	NAME	NUMBER OF VOTES	NAME	NUMBER OF VOTES
[Republican] Electors		[Democrat] Electors		Candidates not on the ballot (Write in Names)	

[Print the groups, and also the names in the groups, in the order in which they appear on the Ballot.]

The number of blank, void and protested ballots was:

The number of ballots taken from the ballot box by the chairman as excess ballots and placed with the spoiled and mutilated ballots, was:

STATE OF NEW YORK,

COUNTY OF..... } ss.:

The undersigned, being duly sworn, do depose and say, each for himself, that the foregoing is a correct return of the total votes cast for presidential electors at the election held on the day of November, 19 , at the Election District in the

Assembly District in the County of

Sworn to before me this..... day of November, 19 .

.....]
Ballot Clerks.

.....Inspector.
Inspector.
Inspector.
Inspector.
Poll Clerk.]
Poll Clerk.]

N. B. To [two out of the three] returns tally sheets must be annexed.

【2. Tally. The official tally of votes cast for presidential electors shall be in the following form:

§ 【338】222. Forms of return 【and tally】 of votes for officers other than presidential electors.

【1. Return.】 The official return of votes for officers other than presidential electors *in a general election* shall be substantially in the following form with appropriate changes to indicate *in a general election* the vote for governor of each separate party or independent body by whom a candidate therefor was nominated:

OFFICIAL RETURN of Votes cast for 【General officers】.

General or Primary Election.	County of.....
November.....19 ..	.....Assembly District.
	.....Election District.

Return of votes cast for office of [Governor].

Total Number of Ballots Voted:

Number to be elected to or *nominated* for said office: _____

Total number of Votes to be canvassed: _____

For the office of.....the candidates named below received the number of votes set opposite their respective names.

(Print here the names of the candidates as they appear on the ballot, with six lines in addition for names to be written in and if a candidate for governor was nominated by more than one political organization, repeat the candidate's name as many times as he was nominated, inserting the vote of each party or independent body separately.)

Blank Votes.....|

Void Votes.....|

Total.....|

[Repeat the foregoing return for each office.]

The number of blank, void and protested ballots was: _____

The number of ballots which were taken from the ballot box by the chairman as excess ballots and placed with the spoiled and mutilated ballots, was: _____

STATE OF NEW YORK, }
COUNTY OF.....} ss.:

The undersigned, being duly sworn, do depose and say, each for himself, that the foregoing is a correct return of the ballots cast for the above offices at the election held on the day of 19 .. at the Election District in the County of ..

Sworn to before me, this..... Inspector.
day of November, 19 .. Inspector.

[.....] Inspector.
Ballot Clerk. [.....] Poll Clerk.]
[.....] Poll Clerk.]

N. B. To [two out of the three] returns tally sheets must be annexed.

[2. Tally. The official tallies of votes cast for officers other than presidential electors shall be in the following form with appropriate changes to indicate, where a candidate for governor was nominated by more than one political organization, the separate vote cast by each party or independent body for such candidate.]

§ **[339]**223. Form of return **[and tally]** of votes upon questions submitted.

[1. Return.] The return sheet of votes upon constitutional amendments or other questions submitted, including town propositions and town appropriations, shall be in all respects like the form provided by this section for the return of votes for officers except in the following particulars:

(a) At the top of the sheet shall be printed the words "Official return of votes cast on (constitutional amendments, questions submitted, town propositions, or town appropriations, as the case may be)."

(b) Below the heading, in place of the words, "Return of votes cast for office of," shall be printed the words, "Return of votes cast on question number (one) relating to (here give brief description)."

(c) The words "Number to be elected to said office," and "Total number of votes to be canvassed," shall be omitted.

(d) In place of the words "For the office of the candidates named below received the number of votes set opposite their respective names," shall be printed the words, "Upon question number (one) relating to (here give same description as above directed) votes were cast as follows:

Votes in favor.

Votes against

[(e) The verification shall be so modified as to state that the return is of ballots cast on constitutional amendments and questions submitted.

2. Tally. The tally sheet for constitutional amendments or other questions submitted shall be in all respects like the form provided by this section for the tally of votes for officers except in the following particulars:

(a) At the top of the sheet shall be printed the words: "Official tally of votes cast on question number one" (or other brief designation).

(b) The matter at the top of the tally sheet, except the title, the blanks to be filled in for the purpose of specifying the date and

place of election, and the words, "Total number of votes to be canvassed," shall be omitted.

(c) In place of the candidates' names in the left hand column shall be printed the words "For (or against, as the case may be) question No. (or other brief designation)."

(d) The lines of tally squares left on the form herewith printed for names of candidates not on the ballot shall be omitted.

(e) The fourth instruction for tallying shall read as follows: "4. Tally once for each vote, whether counted for or against the question, or blank, or void."

We certify that the foregoing statement is correct.

Dated this day of November,

.....

Board of Inspectors.】

§[376]224. Sealing statements. Each statement of canvass shall [then] be securely sealed with sealing wax in separate envelopes properly indorsed on the outside thereof by the inspectors, and shall be kept inviolate by the officer[s] or board with whom they are filed until delivered, together with the packages of protested, void and wholly blank ballots to the county [or city] board of canvassers.

§ [377]225. Delivery and filing of papers relating to the election[; general provisions]. If the election be other than an election of town, city, village or school officers, held at a different time from a general election, the chairman of the board of inspectors of each election district [except in the city of New York, shall forthwith upon the completion of the triplicate statement of the result, deliver one set of returns to the supervisor of the town in which the election district, if outside of a city, is situated, and if in a city, to one of the supervisors of said city. If there be no supervisor, or he be absent or unable to attend the meeting of the county board of canvassers, it shall be forthwith delivered to an assessor of such town or city. One set of returns with tally sheets annexed together with the poll books of the election at an election at which the poll books used are separate from the register shall be forthwith filed by such inspectors, or by one of them deputed for that purpose, with the

town clerk of such town, or the city clerk of such city, as the case may be. The package of protested, void and wholly blank ballots and the third set of returns with tally sheets annexed shall, within twenty-four hours after the completion of such canvass, be filed by the chairman of the board of inspectors, with the board of elections of the county in which the election district is situated. Each poll book containing signatures of electors required by this chapter to sign the poll book, if such book be separate from the register, and all "identification statements for election day" received thereat shall within forty-eight hours after the close of the canvass be filed in person or by mail by the poll clerk of each election district having charge of such book, with the state superintendent of elections in such one of his offices as he may in writing, designate.

§ 378. Delivery and filing of papers in the city of New York. In the city of New York] *within twenty-four hours after the completion of the canvass shall deliver to the county clerk the package of protested, void and wholly blank ballots and one set of returns with tally sheets annexed, [together with one of the poll books shall be filed by the chairman of the board of inspectors within twenty-four hours after the completion of the canvass with the county clerk of the county within which the election district is located. One set of returns with tally sheets annexed and the other poll book shall be filed within such time with the board of elections or with the chief clerk of the branch office of the board of elections, as the case may be, in the borough within which the election district is located, by an inspector designated by the board of inspectors for that duty, and the third set of returns with the city clerk, by an inspector designated by the board of inspectors for that duty] and he or another inspector within the same time shall deliver to the board of elections and in the city of New York to the branch office of the board in the borough, the other set of returns with tally sheets annexed and the packages containing void, protested and wholly blank ballots, together with, except as hereinafter provided, the registers, boxes containing voted ballots and the packages of unused ballots. In cities and villages of five thousand inhabitants or more the boxes containing voted ballots, the registers and the packages of unused ballots shall be delivered at the polling place at the conclusion of the canvass, to the police who shall deliver them to the board of elections.*

In election districts in the city of New York, the boards of inspectors of election must, at the same time that they make and

sign the aforesaid returns, make a certified copy of so much thereof as relates to any candidate for member of assembly, senator, or representative in congress, voted for both in said election district and in any part of any county not within the city of New York, and such certified copy must, within twenty-four hours after the completion of the canvass by the inspectors, be filed by the chairman of the board of inspectors with the clerk of the county outside of the city of New York in which such officers or any of them are voted for at such election.

§ 204. Filing statement of canvass, tally sheets and poll-books. All statements of canvass, tally sheets and poll-books, void and protested ballots, and any and all other packages and documents required by law to be filed by the inspectors, except certified copies of statements of canvass, ballot lists and tally sheets which are required by law to be filed with the county clerk shall be filed with the board of elections of said county or, in the city of New York, with the board of elections of said city. In the city of New York the said statements, documents and packages shall be filed in the branch office in each borough.】

§ 180.226. Custody of registers after election. 【At the close of the canvass of the votes of any election, or within twenty-four hours thereafter, all copies of the register of electors used at such election by the inspectors and the public copy thereof, except as otherwise provided in this section, shall be filed with the board of elections of the county in which the election district is located and in the city of New York with the office located in the borough of Manhattan, and with the chief clerk of the branch office of the board of elections in each other borough of the city of New York. In towns, one copy of such register shall be filed by the inspectors with the town clerk and the other copies with the board of elections.】 It shall be the duty of any 【such】 board of elections, and clerk of a branch office in a borough, with whom registers of the election districts are filed 【as provided in this section】, to forthwith file the copy of each such register for each election district, 【exclusive of copies used for party enrollments,】 with the state superintendent of elections, but the copy for such superintendent, if made for a district in which personal registration is required 【and if the poll-book is part of the register】, shall be the one containing the signatures of electors made on election day. Registers of electors shall be carefully preservd for use, when needed, at any election or official primary which may be held or ordered in either of such counties or cities, respectively, prior to the next ensuing general election.

§ 380. Delivery and filing of papers in the county of Erie. In the county of Erie one return with tally sheets annexed shall be filed forthwith by one inspector deputed for that purpose, with the clerk of the town, or the clerk of the city of Buffalo, or the clerk of the city of Tonawanda, as the case may be, and one return with the clerk of the county of Erie. The package of protested, void and wholly blank ballots and the third return with tally sheet annexed shall, within twenty-four hours after the completion of such canvass, be filed by the chairman of each board of inspectors with the commissioner of elections. All poll lists for the various election districts in the city of Buffalo shall be filed with the commissioner of elections, and those for the city of Tonawanda with the clerk of such city, and those for the towns in Erie county with the town clerk thereof.]

§ [374]227. Preservation of ballots. [After the last tally sheets and returns are completed, and all the stubs and ballots, except the protested, void and wholly blank ballots, are replaced in the boxes from which they were taken, each box shall be securely locked and sealed, and deposited, by an inspector designated for that purpose, with the office or board furnishing it, together with the separate sealed package of unused official ballots.] The boxes of voted ballots and packages of unvoted ballots deposited with the board of elections [and packages so deposited] shall be preserved inviolate for six months after the election, except that they may be opened and their contents examined upon the order of any court of competent jurisdiction or may be opened by direction of a committee of the senate or assembly to investigate and report upon contested elections of members of the legislature voted for at such election and their contents examined by such committee in the presence of the officer having the custody of such boxes. Unless ordered to be preserved by such a court, or unless an examination by such a committee be pending, they shall be opened and their contents destroyed after six months, except, that in a year in which a president of the United States is to be elected, in counties in which no contest has been noted, such boxes may be opened and their contents destroyed after four months and the boxes prepared for use at the primary election [as provided in section seventy-nine of this chapter]. The protested, void and wholly blank ballots shall be preserved as provided in section [four hundred and thirty-seven of this chapter.] two hundred and sixty-four. Any candidate shall be entitled as of right to an examination in person or

by authorized agents of any ballots upon which his name lawfully appears as that of a candidate; but the court shall prescribe such conditions as of notice to other candidates or otherwise as it shall deem necessary and proper.

§ [381]228. Judicial investigation of ballots. If any statement of the result of the canvass in an election district shall show that any of the ballots counted at an election therein were protested or were canvassed as wholly blank or void, a writ of mandamus may, upon the application of any candidate voted for at such election in such district, within twenty days thereafter, issue out of the supreme court to the board or body of canvassers, if any, of the return of the inspectors of such election district, and otherwise to the inspectors of election making such statement, requiring a recanvass of such ballots. If the court shall, in the proceedings upon such writ, determine that any such ballot was improperly canvassed, it shall order the error to be corrected. Boards of inspectors of election districts, and boards of canvassers, shall continue in office for the purpose of such proceedings.

§ [382]229. Destruction of books, records and papers relating to the elections. The officer [or board] with whom the statement of the result, the returns with tally sheets annexed [together with the poll books of the election,] the [“]identification statements for election day,[”] the registers of electors [and the public copy thereof] are filed after an election shall preserve the same for at least two years after the receipt thereof and until all suits or proceedings before any court or judge touching the same shall have been determined. At the expiration of such time such books, records and papers, except a [poll book] register containing signatures of electors, may be destroyed by such officer. [This section shall not apply to a city of over one million inhabitants.]

ARTICLE 8.

VOTING MACHINES.

Section 230. *State voting machine commissioners.*

231. *Examination of voting machine.*

232. *Requirements of voting machine.*

233. *Adoption of voting machine.*

234. *Experimental use of voting machine.*

235. *Providing machines.*

236. *Payment for machines.*

- Section 237. *Number of voters in election districts.*
238. *Definitions.*
239. *Form of ballots.*
240. *Sample ballots.*
241. *Preparation of voting machines for election.*
242. *Instruction of election officers.*
243. *Instruction of voters before election.*
244. *If voting machine shall become out of order.*
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§ [390]230. State voting machine commissioners. There shall be a state board of voting machine commissioners which shall consist of three commissioners to be appointed by the governor every five years, one of whom shall be an expert in patent law and two of whom shall be mechanical experts. Their successive terms of office shall begin on the first day of January of every fifth year dating from nineteen hundred and three and end on the thirty-first day of December. Any commissioner now in office or hereafter appointed may be removed at the pleasure of the governor, and vacancies shall be filled by the governor for any unexpired term.

No voting machine commissioner shall have any pecuniary interest in any voting machine.

§ [391]231. Examination of voting machine. Any person or corporation owning or being interested in any voting machine may apply to the state board of voting machine commissioners to examine such machine and report on its accuracy, efficiency and capacity to register the will of voters. The commissioners shall examine the machine and report accordingly. Their re-

port shall be filed in the office of the secretary of state and shall state whether in their opinion the kind of machine so examined can be safely used by such voters at elections, under the conditions prescribed in this article. If the report states that the machine can be so used, it shall be deemed approved by the commissioners and machines of its kind may be adopted for use at elections as herein provided. When the machine has been so approved, any improvement or change that does not impair its accuracy, efficiency or capacity shall not render necessary a re-examination or re-approval thereof. Any form of voting machine not so approved, or which has not been heretofore examined by said commissioners and reported on pursuant to law and its use specifically authorized by law, can not be used at any election. Each commissioner is entitled to one hundred and fifty dollars for his compensation and expenses in making such examination and report, to be paid by the person or corporation applying for such examination.

§ **[392]**232. Requirements of voting machine. A voting machine approved by the state board of voting machine commissioners must be so constructed as to provide facilities for voting for such candidates as may be nominated. It must also permit an elector to vote for any person for any office, whether or not nominated as a candidate by any party or organization, and must permit voting in absolute secrecy. Such machine shall also be so constructed that an elector cannot vote for a candidate or on a proposition for whom or on which he is not lawfully entitled to vote. It must also be so constructed as to prevent voting for more than one person for the same office, except where an elector is lawfully entitled to vote for more than one person for that office, and it must afford him an opportunity to vote for as many persons for that office as he is by law entitled to vote for and no more, at the same time preventing his voting for the same person twice. It must be provided with a lock or locks, by the use of which immediately after the polls are closed or the operation of such machine for such election is completed, any movement of the voting or registering mechanism is absolutely prevented. It may also be provided with a separate ballot in each party column or row containing only the words "presidential electors" preceded by the party name, and a vote for such ballot shall operate as a vote for all the candidates of such party for presidential electors, and shall be counted as such.

§ **[393]**233. Adoption of voting machine. The board of elections of the city of New York, the common council of any

other city, the town board of any town, or the board of trustees of any village may adopt for use at elections any kind of voting machine approved by the state board of voting machine commissioners, or the use of which has been specifically authorized by law; and thereupon such voting machine may be used at any or all elections held in such city, town or village, or in any part thereof, for voting, registering and counting votes cast at such elections. Voting machines of different kinds may be adopted for different districts in the same city, town or village.

§ **[394]**234. Experimental use of voting machine. The authorities of a city, town or village authorized by the last section to adopt a voting machine may provide for the experimental use, at an election in one or more districts, of a machine which it might lawfully adopt, without a formal adoption thereof; and its use at such election shall be as valid for all purposes as if it had been lawfully adopted.

§ **[395]**235. Providing machines. The local authorities adopting a voting machine shall, as soon as practicable thereafter, provide for each polling place one or more voting machines in complete working order, and shall thereafter preserve and keep them in repair, and shall have the custody thereof and of the furniture and equipment of the polling place when not in use at an election. If it shall be impracticable to supply **[each and]** every election district with a voting machine or voting machines at any election following such adoption, as many may be supplied as it is practicable to procure, and the same may be used in such election district or districts within the city, town or village as the officers adopting the same may direct.

§ **[396]**236. Payment for machines. The local authorities, on the adoption and purchase of a voting machine, may provide for the payment therefor in such manner as they may deem for the best interest of the locality and may for that purpose issue bonds, certificates of indebtedness or other obligations which shall be a charge on the city, town or village. Such bonds, certificates or other obligations may be issued with or without interest, payable at such time or times as the authorities may determine, but shall not be issued or sold at less than par.

§ **[419]**237. Number of voters in election districts. For any election in any city, town or village in which voting machines are to be used, the election districts in which such machines are to be used may be created by **[the officers charged with the duty of creating election districts]** *board of elections*, so as to contain as

near as may be in districts in which one such machine is used, six hundred voters each, and in districts in which two or more such machines are used, nine hundred voters each. Such redistricting or redivision may be made at any time after any November election and on or before August fifteenth following, to take effect on the sixth Wednesday before the next general election. Where such redistricting or redivision shall be made in any town, the board making the same shall, on or before September first following, appoint from the inspectors of election then in office (if sufficient therefor are then in office, and if not, from persons not in office, sufficient to make up the requisite number), to take effect on or before the first day of registration thereafter and not earlier than the sixth Wednesday preceding the next general election, four inspectors of election for each election district thus created, who shall be equally divided between the two parties entitled to representation on said boards of inspectors. Thereafter no redivision of such election district shall be made for elections by such machines until at some general election the number of votes cast in one or more of such districts in which such machine is used shall exceed six hundred and fifty, or in which two or more such machines are used shall exceed one thousand. But the town board of a town in which such machines are used may alter the boundaries of the election districts at any time after a general election and on or before August fifteenth following, to take effect on the sixth Wednesday before the next general election, provided that the number of such election districts in such town shall not be increased or reduced, and the number of votes to be cast in any district whose boundaries are so altered shall not exceed six hundred and fifty in a district in which one machine is used, or one thousand in a district in which two or more machines are used.

[If the creation, division or alteration of an election district is rendered necessary by the creation, division or alteration of a town, ward or city or rendered necessary or occasioned by the division of a county into assembly districts after a reapportionment by the legislature of members of assembly, such creation, division or alteration of an election district shall be made and shall take effect immediately; and inspectors of election for the new election districts, as so created, divided or altered, shall be appointed, in the manner provided by law, a reasonable time before the next official primary or meeting for registration and such appointments shall take effect immediately.]

§ [420]238. Definitions. The list of candidates used or to be used on the front of the voting machine shall be deemed official ballots under this chapter for an election district in which a voting machine is used pursuant to law. The word "ballot" as used in this article, (except when reference is made to irregular ballots) means that portion of the cardboard or paper or other material within the ballot frames containing the name of the candidate and the emblem of the party organization by which he was nominated, or a statement of a proposed constitutional amendment, or other question or proposition with the word "Yes" for voting for any question or the word "No" for voting against any question. The term "question" shall mean any constitutional amendment, proposition, or other question submitted to the voters at any election. The term "ballot label" shall mean the printed strips of cardboard containing the names of the candidates nominated, and the questions submitted. The term "irregular ballot" shall mean a vote cast, by or on a special device, for a person whose name does not appear on the ballot labels. The term "voting machine custodian" shall mean the person who shall have charge of preparing and arranging the voting machine for elections. The term "protective counter" shall mean a separate counter built into the voting machine which cannot be reset, which records the total number of movements of the operating lever.

§ [397]239. Form of ballots. All ballots shall be printed in black ink on clear, white material, of such size as will fit the ballot frame, and in as plain, clear type as the space will reasonably permit. The party emblem for each political party represented on the machine, which has been duly adopted by such party in accordance with this chapter, and the party name or other designation, and a designating letter and number shall be affixed to the names, or, in case of presidential electors, to the list of candidates of such party. Each party may be further distinguished by a stripe of color below the party emblem, which shall be adopted in the same manner as the party emblem. The order of the lists or names of candidates of the several parties or organizations shall be arranged as provided in this chapter for blanket ballots, except that the titles of offices may be arranged horizontally, with the names of candidates for an office arranged vertically under the title of the office, or the titles of offices may be arranged vertically, with the names of candidates for an office arranged horizontally

opposite the title of the office. When the same person has been nominated for the same office to be filled at the election by more than one party or independent body, the voting machine shall be so adjusted that his name shall appear but once on the ballot. But in the case of a person so nominated, the name and emblem of the party casting the highest number of votes for governor at the last preceding election of a governor shall be at the left of or above the names and emblems of other parties and independent bodies uniting in the same nomination, and the names and emblems of the latter parties shall follow in the order of priority based on the relative party vote for governor at such election, counting from left to right if the column be horizontal and downward if the column be vertical. When the same person has been nominated for the office of governor or of member of assembly by more than one party or independent body, resulting in the necessary use of more than one voting knob in connection with the name of such person, voting knobs shall be retained on the machine, in connection with the name of each candidate for such office, to a number equivalent to the highest number of voting knobs required for any candidate so nominated for such office; but the machine shall be so adjusted that when one of such knobs is operated, either in connection with the name of a candidate nominated for such office by one party or independent body only or by more than one such party or body, all other knobs used in connection with the name of any candidate for the same office shall be thereby locked.

§ [398]240. Sample ballots. The officers or board charged with the duty of providing ballots for any polling place shall provide therefor two sample ballots which shall be arranged in the form of a diagram showing such part of the face of the voting machine as shall be in use at that election. Such sample ballots shall be either in full or reduced size and shall contain suitable illustrated directions for voting on the voting machine. Such sample ballots shall be open to public inspection at such polling place during the election day. In all general elections where voting machines are used there may be furnished a sufficient number of such sample ballots of a reduced size, one of which sample ballots may be mailed by the county clerk to each registered voter at least three days before the election or in lieu thereof, a copy of such sample ballot may be published at least once within one week preceding the election in newspapers representing at least two political parties.

【§ 404. Distribution of ballots and stationery. The ballots and stationery shall be delivered to the board of inspectors of each election district before ten o'clock in the forenoon of the day next preceding the election.】

【§ 399. Number of official ballots. Two sets of ballots shall be provided for each voting machine for each election. Such ballots shall be delivered to the custodian of the voting machine at least ten days before the election.】

§ 【400】241. Preparation of voting machines for election. The board of elections for each county and the city of New York in which voting machines are to be used, shall cause the proper ballot labels to be placed on the machines corresponding with the sample ballots herein provided for, and the machine in every way put in order, set, and arranged, ready for use in voting at such election; and for the purpose of so labeling, putting in order, setting and arranging the machine, shall employ one or more competent persons who shall be known as the voting machine custodian, or custodians, who shall be sworn to perform their duties honestly and faithfully, and for such purpose shall be considered as officers of election, and shall be paid for the time spent in the discharge of their duties, in the same manner as election officers are paid. In cities where there are more than twenty voting machines, more than one custodian shall be appointed. They shall be selected from the two political parties entitled to representation on a board of election officers. No custodian shall be appointed or serve unless he shall be fully qualified to perform his duties in connection with the complete preparation of the machines for the election and the instructing of the election officers and voters. Said custodian or custodians shall, under the direction of said board or officer having charge and control of the election, cause the machine to be so labeled, put in order, set, arranged, and delivered to the polling place of the election district in which the election is to be held, together with all furniture and appliances necessary for the proper conducting of the election, at least one hour before the time set for the opening the polls on election day. In preparing a voting machine for an election the custodian shall, according to the printed directions furnished, arrange the machine and the ballots therefor so that it will in every particular meet the requirements for voting and counting at such election, and thoroughly test the same. Before preparing a voting machine for any election written notice shall be mailed to the chairman

of the city, or town committee of at least **[three]** *two* of the principal parties, stating the time and place where machines will be prepared, at which time one representative of each of such political parties shall be afforded an opportunity to see that the machines are in proper condition for use in the election; such representatives shall be sworn to faithfully perform their duties and shall be regarded as election officials but shall not interfere with the custodians or assume any of their duties. When a machine has been so examined by such representatives it shall be sealed with a numbered metal seal. Such representatives shall certify**[-;]** to the number of the machines; if all of the counters are set at 000; and the number registered on the protective counter, if one is provided, and on the seal. After the preparation of the machines, an officer or officers or some one duly authorized, other than the person who has prepared them for the election, shall inspect each machine, and report in writing if all of the registering counters are set at zero (000), and the machine is arranged in all respects in good order for the election and locked, with the number registered on the protective counter if one is provided; and with the number on the seal. When a voting machine has been properly prepared for election, it shall be locked against voting, and sealed; and the keys thereof shall be delivered to the board **[or official having charge and control]** of elections, together with a written report made by the custodian on blanks furnished to him, stating that it is every way properly prepared for the election. All voting machines shall be transferred to the polling places in charge of an authorized official, who shall certify to their delivery in good order. After the machine has been delivered and set up ready for use in the election at the polling place, it shall be the duty of the local authorities to provide ample protection against molestation or injury to the machine. Every voting machine shall be furnished with a lantern, or a proper substitute for one, which shall give sufficient light to enable electors while in the booth to read the ballot labels and suitable for use by the election officers in examining the counters. The lantern shall be prepared in good order for use before the opening of the polls. All voting machines used in any election shall be provided with a screen, hood, or curtain which shall be so made and adjusted as to completely conceal the elector and his action while voting.

§ **[401]**242. Instruction of election officers. Not less than ten days before each general election, the custodian, or custodians,

of the machine shall instruct each board of inspectors that is to serve in an election district in the use of the machine, and in the duties of inspectors of election in connection therewith; and he shall give to each inspector of election that has received such instruction and is fully qualified to properly conduct the election with the machine, a certificate to that effect. For the purpose of giving such instruction the custodian shall call such meeting, or meetings, of the inspectors of election as shall be necessary. Such custodian shall without delay file a report with the board or official in charge of elections, stating that he has instructed the election officers, giving the names of such officers, and the time and place where such instruction was given. The inspectors of election of each election district in which a voting machine is to be used, shall attend such meeting, or meetings, as shall be called, for the purpose of receiving such instruction, concerning their duties as shall be necessary for the proper conduct of the election with the machine. Each inspector of election [that] *who* shall [qualify for and] serve in the election, shall be paid one dollar for the time spent in receiving such instruction, in the same manner and at the same time as he is paid for his services on election day. No inspector of election shall serve in any election at which a voting machine is used, unless he shall have received such instruction and is fully qualified to perform his duties in connection with the machine, and has received a certificate to that effect from the custodian of the machines; provided, however, that this shall not prevent the appointment of an inspector of election to fill a vacancy in an emergency.

§ [402]243. Instruction of voters before election. In all places where voting machines are to be used one or more of such machines which shall contain the ballot labels, showing the party emblems and title of offices to be voted for, and which shall so far as practicable contain the names of the candidates to be voted for, shall be placed on public exhibition in some suitable place in charge of a competent instructor, for at least three days during the thirty days next preceding the election; but no voting machine which is to be assigned for use in an election shall be used for such instruction after having been prepared and sealed for the election. During public exhibitions of any voting machine for the instruction of voters previous to an election, the counting mechanism thereof shall be concealed from view and the doors may be temporarily opened only when authorized by the board or official having charge and control of the elections. Printed

instructions how to vote circulated to voters must conform to the instructions approved by the officials providing ballots, and adapted to the machine used.

§ [406-a]244. If voting machine shall become out of order. If any voting machine being used in any election shall become out of order during such election, it shall if possible be repaired or another machine substituted as promptly as possible, but in case such repair or substitution cannot be made, paper ballots, printed or written, and of any suitable form, may be used for the taking of votes, and for such purpose the reduced sample ballots referred to in section three hundred and ninety-eight may be employed.

§ [407]245. Opening of polls. The inspectors of election [and poll clerks] of each district shall meet at the polling place therein, at least three-quarters of an hour before the time set for the opening of the polls at each election, and shall proceed to arrange within the guard rail the furniture, stationery and voting machine for the conduct of the election. The inspectors of election shall then and there have the voting machine, ballots and stationery required to be delivered to them for such election; and if it be an election at which registered voters only can vote, the registry of such voters required to be made and kept therefor. The inspectors shall thereupon cause at least two instruction cards, [and if printed in different languages, at least two of each language], to be posted conspicuously within the polling place. If not previously done, they shall insert in their proper place on the voting machine, the ballots containing the names of officers to be filled at such election, and the names of candidates nominated therefor. The keys to the voting machine shall be delivered to the [election officers] *inspectors* at least three-quarters of an hour before the time set for opening the polls, in a sealed envelope, on which shall be written or printed the number and location of the voting machine; the number of the seal, and, if provided with a protective counter, the number registered on such counter, as reported by the custodian. The envelope containing the keys shall not be opened until at least one inspector from each of two political parties shall be present at the polling place and shall have examined the envelope to see that it has not been opened. Before opening the envelope all [election officers] *inspectors* present shall examine the number on the seal on the machine, also the number registered on the protective counter, if one is provided, and shall

see if they are the same as the numbers written on the envelope containing the keys. If found not to agree, the envelope must not be opened until the custodian, or other authorized person, shall have been notified and shall have presented himself at the polling place for the purpose of re-examining such machine and shall certify that it is properly arranged. If the numbers on the seal and protective counter, if one is provided, are found to agree with the numbers on the envelope the inspectors shall proceed to open the doors concealing the counters. Before the polls are open for election, each inspector shall carefully examine every counter and see that it registers zero, and the same shall be subject to the inspection of the official watchers. The machine shall remain locked against voting until the polls are formally opened, and shall not be operated except by voters in voting. If any counter is found not to register zero (000), the inspectors of election shall immediately notify the custodian, who shall if practicable adjust the counters at zero (000), but if it shall be impracticable for the custodian to arrive in time to so adjust such counters before the time set for opening the polls, the inspectors shall immediately make a written statement of the designating letter and number of such counter, together with the number registered thereon, and shall sign and post same upon the wall of the polling room, where it shall remain throughout election day, and in filling out the statement of canvass, they shall subtract such number from the number then registered thereon.

§ [409]246. Location of machines; guard-rail. The exterior of the voting machine and every part of the polling place shall be in plain view of the election officers and watchers. The voting machine shall be placed at least four feet from the poll clerk's table. A guard-rail shall be constructed at least three feet from the machine, with openings to admit voters to and from the machine. The voting machine shall be so located in the polling place that, unless its construction requires otherwise, the ballot labels on the face of the machine can be plainly seen by the election officers and the party watchers when not in use by voters. The election officers shall not themselves be, or permit any other person to be, in any position or near any position, that will permit one to see or ascertain how a voter votes, or how he has voted. The election officer attending the machine shall inspect the face of the machine after each voter has cast his vote, to see that the ballot labels are in their proper places and that the machine has not been

injured. During elections the door or other covering of the counter compartment of the machine shall not be unlocked or opened or the counters exposed except for good and sufficient reasons, a statement of which shall be made and signed by the election officers and shall be sent with the returns.

§ [411]247. Instructing voters. For the instructing of voters, there shall, so far as practicable, be provided for each polling place a mechanically operated model of a portion of the face of the machine. Such model, if furnished, shall, during the election, be located on the inspector's table or in some other place which the voters must pass to reach the machine, and each voter shall, before entering the machine, be instructed regarding its operation and such instruction illustrated on the model, and the voter given opportunity to personally operate the model. The voter's attention shall also be called to the diagram of the face of the machine so that the voter can become familiar with the location of the questions and the names of the offices and candidates. In case any voter after entering the voting machine booth, and before the closing of such booth, shall ask for further instructions concerning the manner of voting, two inspectors of opposite political parties shall give such instructions to him; but no inspector or other election officer or person assisting a voter shall in any manner request, suggest or seek to persuade or induce any such voter to vote any particular ticket, or for any particular candidate, or for or against any particular amendment, question or proposition. After giving such instructions, the inspectors shall retire and such voter shall then close the booth and vote as in the case of an unassisted voter.

§ [408]248. Independent ballots. Ballots voted for any person whose name does not appear on the machine as a nominated candidate for office, are herein referred to as irregular ballots. Where two or more persons are to be elected to the same office, and each candidate's name is placed upon or adjacent to a separate key or device, and the machine requires that all irregular ballots voted for that office be deposited, written or affixed in or upon a single receptacle or device, a voter may vote in or by such receptacle or device for one or more persons whose names do not appear upon the machine with or without the names of one or more persons whose names do so appear.

In voting for presidential electors, a voter may vote an irregular ticket made up of the names of persons in nomination by

different parties, or partially of names of persons so in nomination and partially of names of persons not in nomination, or wholly of names of persons not in nomination by any party. Such irregular ballot shall be deposited, written or affixed in or upon the receptacle or device provided on the machine for that purpose.

With these exceptions, no irregular ballot shall be voted for any person for any office whose name appears on the machine as a nominated candidate for that office; any irregular ballot so voted shall not be counted. An irregular ballot must be cast in its appropriate place on the machine, or it shall be void and not counted.

§ [406]249. Unofficial ballots. If the official ballots for an election district at which a voting machine is to be used, required to be furnished by or to any town, or city clerk, or board, shall not be delivered at the time required, or if after delivery shall be lost, destroyed or stolen, the clerk of such town or city, or such board, or the election inspectors of such district, shall cause other ballots to be prepared, printed or written, as nearly in the form of the official ballots as practicable, and the inspectors shall cause the ballots so substituted to be used at the election in the same manner, as near as may be, as the official ballots. Such ballots so substituted shall be known as unofficial ballots.

§ [412]250. Illiterate or disabled voters. The provisions of section[s] one hundred and sixty-four and three hundred and fifty-seven of this chapter, *one hundred and ninety-seven*, shall apply also when ballot machines are used, and the word "booth" when used in such section[s] shall be interpreted to include the ballot machine inclosure or curtain.

§ [410]251. Manner of voting. After the opening of the polls, the inspectors shall not allow any voter to pass within the guard-rail until they have ascertained that he is duly entitled to vote. Only one voter at a time shall be permitted to pass within the guard-rail to vote. The operating of the voting machine by the voter while voting shall be secret and obscured from all other persons except as provided by this chapter in cases of voting by assisted voters. No voter shall remain within the voting machine booth longer than three minutes, and if he shall refuse to leave it after the lapse of three minutes, he shall be removed by the inspectors.

§ [413]252. Canvass of vote and proclamation of result. There shall be printed directions in the statement of canvass to the

election officers for their guidance before the polls are opened and when the polls are closed; a certificate of which shall be signed by the election officers before the polls are opened, showing the delivery of the keys in a sealed envelope; the number on the seal; the number registered on the protective counter, if one is provided; if all of the counters are set at zero (000); if the public counter is set at zero (000); if the ballot labels are properly placed in the machine. Also a certificate which shall be filled out after the polls have been closed, that the machine has been locked against voting and sealed; the number of electors as shown on the public counters; the number on the seal; the number registered on the protective counter, if one is provided; and that the voting machine is closed and locked. The return and statement of canvass shall show the total number of votes cast for each office, the number of votes cast for each candidate, as shown on his counter, and the number of votes for persons not nominated, which shall be certified by the board of inspectors. As soon as the polls of the election are closed, the inspectors of election thereat shall immediately lock the voting machine against voting, and open the counting compartments in the presence of the watchers and all other persons who may be lawfully within the polling place, giving full view of all the counter numbers. The chairman of the board of inspectors shall, under the scrutiny of an inspector of a different political party, in the order of the offices as their titles are arranged on the machine, read and announce in distinct tones the designating number and letter on each counter for each candidate's name, the result as shown by the counter numbers, and shall then read the votes recorded for each office on the irregular ballots. He shall also in the same manner announce the vote on each constitutional amendment, proposition or other question. The counter shall not in the case of presidential electors be read consecutively along the party row or column, but shall always be read along the office columns or rows, completing the canvass for each office. The vote as registered shall be entered on the statements of canvass in ink, by the [poll clerks and an inspector of opposite political faith from the chairman] *other inspectors* in the same order on the space which has the same designating number and letter, after which the figures shall be verified by being called off in the same manner from the counters of the machine by an inspector of a different political party. The counter compartment of the voting machine shall remain open

until the official returns and all other reports have been fully completed and verified by the election board. During such time any candidate, watcher, or challenger of any party or independent body duly accredited as provided by [section three hundred and fifty-two of] the election law who may desire to be present shall be admitted to the polling place. The proclamation of the result of the votes cast shall be deliberately announced in a distinct voice by the chairman of the board of inspectors who shall read the name of each candidate, with the designating number and letter of his counter, and the vote registered on such counter; also the vote cast for and against each question submitted. During such proclamation ample opportunity shall be given to any person lawfully present to compare the results so announced with the counter dials of the machine and any necessary corrections shall then and there be made by the election board, after which the doors of the voting machine shall be closed and locked.

Before adjourning the board shall, with the seal provided therefor, so seal the operating lever of the machine that the voting and counting mechanism will be prevented from operation.

§ [405]253. Statements of canvass. In each election district where voting machines are used, statements of canvass shall be printed to conform with the type of voting machine used, of a form approved by the secretary of state. The designating number and letter on the counter for each candidate shall be printed next to the candidate's name on the statements of canvass. Three such statements shall be used in each such election district. No tally sheets shall be provided or used in any such district.

§ [414]254. Disposition of irregular ballots, and preserving the record of the machine. The inspectors of election shall, as soon as the count is complete and fully ascertained, as in this chapter required, lock the machine against voting, and it shall remain so for the period of thirty days and as much longer as may be necessary or advisable because of any existing or threatened contest over the result of such election, except as provided by section [four hundred and sixteen] *two hundred and fifty-six* of this chapter and except that it may be opened and all the data and figures therein examined upon the order of any court of competent jurisdiction or may be opened by direction of a committee of the senate or assembly to investigate and report upon contested elections of members of the legislature voted for by the use of such machine and such data and such figures examined

by such committee in the presence of the officer having the custody of such machine. Any candidate shall be entitled on application to the supreme court and on reasonable grounds shown to have any machine in or upon which he was named as a candidate opened and all the data and figures therein examined by him or his authorized agents, but the court shall prescribe such conditions as of notice to other candidates or otherwise as it shall deem necessary and proper. Whenever irregular ballots have been voted, the inspectors shall return all of such ballots in a properly secured sealed package endorsed "irregular ballots," and file such package with the original statement of canvass. It shall be preserved for six months after such election, and may be opened and its contents examined only upon order of the supreme court or a justice thereof, or a county judge of such county, or by direction of such committee of the senate and assembly if the ballots relate to the election under investigation by such committee, and at the expiration of such time, such ballots may be disposed of in the discretion of the officer or board having charge of them.

§ [415]255. Disposition of keys; opening counter compartment. The keys of the machine shall be enclosed in an envelope which shall be supplied by the officials, on which shall be written the number of the machine and the district and ward where it has been used, which shall be securely sealed and indorsed by the election officers, and shall be so returned to the officer from whom they were received. The number on the seal and the number registered on the protective counter, if so provided, shall be written on the envelope containing the keys. All keys for voting machines shall be kept securely locked by the officials having them in charge. A public officer who, by any provision of law, is entitled to the custody of a machine for any period of time, shall be entitled to the keys therefor while such machine is in his charge. It shall be unlawful for any unauthorized person to have in his possession any key or keys of any voting machine; and all election officers, or persons entrusted with such keys for election purposes, or in the preparation of the machine therefor, shall not retain them longer than necessary to use them for such legal purpose. All machines shall be boxed and collected as soon after the close of the election as possible, and the machines, and the boxes for the machines, shall at all times be stored in a suitable place.

§ [416]256. Provision for re-canvass of vote. Whenever it shall appear that there is a discrepancy in the returns of any election district, the county board of canvassers shall summon the inspectors of election thereof and said inspectors shall, in the presence of said board of canvassers, or a bi-partisan committee thereof, make a record of the number on the seal and the number on the protective counter, if one is provided, open the counter compartment of said machine, and without unlocking said machine against voting, shall re-canvass the vote cast thereon. Before making such re-canvass the county board of canvassers shall give notice in writing to the custodian and to the county chairman of each political party or nominating body that shall have nominated candidates for the election, of the time and place where said re-canvass is to be made; and each of such political parties or nominating bodies may send two representatives to be present at such re-canvass. If, upon such re-canvass, it shall be found that the original canvass of the returns has been correctly made from the machine, and that the discrepancy still remains unaccounted for, the county board of canvassers, or said committee thereof, with the assistance of the custodian of said machine, shall, in the presence of the inspectors of election and the authorized representatives of the several said political parties or nominating bodies, unlock the voting and counting mechanism of said machine and shall proceed to thoroughly examine and test the machine to determine and reveal the true cause or causes, if any, of the discrepancy in the returns from said machine. Before testing the counters they shall be reset at zero (000) after which each counter shall be operated at least one hundred times. After the completion of said examination and test, the custodian shall then and there prepare a statement in writing giving in detail the result thereof, and said statement shall be witnessed by the persons present and shall be filed with the secretary of the county board of canvassers. But nothing contained in this section shall authorize any change in the returns filed by inspectors of election in any election district nor authorize any board of canvassers in any wise to consider or act upon any re-canvass of votes made pursuant thereto.

§ 418. When ballot clerks not to be elected; duties of general clerks. Ballot clerks, in any city in which the appointment of such clerks is provided for, shall not be appointed for any district for which a voting machine shall have been adopted, and

which will be supplied and ready for use at the next election to be held therein. In any election district in which only general clerks are appointed, under the provisions of this chapter, and in which a voting machine is used, such clerks shall have the powers and duties of poll clerks through the election, from the opening of the polls to the close of the canvass, and in such district there shall be no designation of inspectors to act as poll clerks during the taking of the vote, notwithstanding the provisions of section three hundred and fourteen.】

【§ 421. Saving clause. Nothing herein shall be deemed to prohibit the adoption or use of any voting machine at any election within any town, city or village that has adopted the same prior to the tenth day of December nineteen hundred and thirteen, if the mechanism is or may be made adjustable to conform to the grouping of candidates under the title of the office, but the method of conducting an election therewith shall be in the manner prescribed by this chapter.】

【§ 417. Application of other articles and penal law. The provisions of the other articles of this chapter apply as far as practicable to voting by voting machines, except as herein provided. The provisions of the penal law and of this chapter relating to misconduct at elections shall apply to elections with voting machines. Any person who shall before or during an election tamper with any voting machine; or who shall interfere or attempt to interfere with the correct operation of the voting machine, or the secrecy of voting; or shall wilfully injure a voting machine to prevent its use; or, any election or police officer or anyone employed to assist in the care or arrangement of the voting machine, who shall permit any person to violate the secrecy of the voting, or to interfere in any way with the correct operation of the voting machine; or any unauthorized person who shall make or have in his possession a key to a voting machine that has been adopted and will be used in elections in this state shall be guilty of a felony, punishable by imprisonment in a state prison for not less than one year nor more than five years.

ARTICLE [12]9.

【BOARD OF CANVASSERS.】 CANVASS OF RETURNS.

Section 260. Canvass of returns of primary; certificates.

261. Organization of county board of canvassers.

262. Production of returns and tally sheets.

Section 263. Correction of clerical errors in election district statements.

264. *Statements of canvass by county boards; preservation of protested, void and wholly blank ballots.*

265. *Decisions of county boards as to persons elected.*

266. *Transmission of statements of county boards to secretary of state and board of elections.*

267. *Organization and duties of board of canvassers of the city of New York.*

268. *City boards of canvassers.*

269. *Organization of state board of canvassers.*

270. *Canvass by state board.*

271. *Certificates of election.*

272. *Record in office of secretary of state of county officers elected.*

273. *Mandamus to boards of canvassers to correct errors.*

§ [89]260. Canvass of [statements of results; certificates of election to party position] *returns of primary; certificates.*
1. Canvass by [custodians of primary records.] *board of elections.* The [custodian of primary records] *board of elections* shall forthwith proceed to canvass the statements of results of *primary elections* filed with it [him as provided in this article,] and shall complete such canvass within one hundred and twenty hours from midnight of the day upon which the primary election was held.

[He] *It* shall canvass separately the votes cast in each election district by the enrolled voters of the several parties respectively.

The candidate for a party nomination to public office, or for election to a party position, to be filled by the voters of a territory wholly within an election district, ward or town, who has received the highest number of votes cast in the primary election of a party in such election district, ward or town, shall be the nominee of said party for such public office, or shall be elected to such party position. Said [custodian] *board* shall deliver upon request to such candidate, if he be elected to a party position, a certificate of his election.

The candidate for a party nomination to public office, or for election to a party position, to be filled by the voters of a district wholly within the jurisdiction of a [custodian of primary records] *board of elections* and greater than an election district, ward or

town, who has received the highest number of votes cast in the primary election of a party in such district shall receive the nomination of said party for the public office, or be elected to the party position, for which he was designated or voted for. The [custodian of primary records] *board of elections* shall deliver upon request to such candidate, if he be elected to a party position, a certificate of such election.

The [custodian of primary records] *board of elections* shall duly certify to the secretary of state a statement of the vote cast in the county in the primary election by the enrolled voters of each party, respectively, for all candidates for nomination for public office, or for election to party position, whose designations are required by this chapter to be filed in the office of the secretary of state. Such statement shall be filed by such [custodian] *board* in the office of the secretary of state within one hundred and twenty hours from midnight of the day on which the primary election was held, and such [custodian] *board* shall also certify to the secretary of state the names and addresses of nominees of the various parties for the office of justice of the supreme court, representative in congress, state senator and member of assembly, where designations are not filed with the secretary of state.

2. Canvass by the secretary of state. The secretary of state shall forthwith proceed to canvass the certified statements so filed with him, and such canvass shall be made separately as to the candidates of each party.

The candidate voted for at an official primary election who has the highest number of votes shall receive the nomination of said party for the public office, or be elected to the party position, for which he was designated or voted for. The secretary of state shall forthwith transmit to each candidate elected to a party position a certificate of such election.

3. A certificate of election to party position at an official primary of a party duly issued as herein provided shall entitle the person to whom it is issued to membership in the committee or to a seat in the national convention to which he is elected. Upon the completion of said canvass to be made by the secretary of state, he shall prepare certified statements of the result of the primary election of each party participating therein.

4. The statements of result of any official primary election filed or prepared in the office of a [custodian of primary records] *board of elections* or of the secretary of state showing the nomina-

tion of a party candidate for public office at an official primary election shall be equivalent to a certificate of his nomination, and no other certificate of nomination shall be required to be filed for any such candidate so nominated.

§ [430]261. Organization of county board of canvassers *for general and special election returns*. The board of supervisors of each county shall be the county board of canvassers of such county. The county board of canvassers of each county within the city of New York shall consist of the members of the board of aldermen of the city of New York elected as such within the county. The said county boards of canvassers shall also within their respective counties be the city board of canvassers of such city. The county board of canvassers of a county containing a city or cities shall be the city board of canvassers of such city or cities, except that the board of aldermen of the city of Buffalo shall be the city board of canvassers for such city. The county board of canvassers of the respective counties shall meet on the Tuesday next after each election of public officers held in such county other than an election of town, city, village or district school officers held at a different time from a general election. The board of county canvassers shall meet at the usual place of meeting of the board of supervisors, except that in a county wholly included in the city of New York such board of county canvassers shall meet at the office of the county clerk. Upon such meeting they shall choose one of their number chairman of such board. [In a county having a single commissioner of elections, instead of a board of elections, such commissioner shall be the secretary of the board of county canvassers. In a county wholly included within the limits of the city of New York and in a county, if any, in which the general powers and duties of a county board of elections is devolved upon the county clerk, by this chapter, the county clerk, or if he be absent or unable to act, a deputy county clerk designated by the clerk, shall be secretary of the board of county canvassers. In every other county of the state the] *The president of the board of elections shall be the secretary of the board of county canvassers, or if he be absent or unable to act, the secretary of such board and in counties where there is but one commissioner of elections, the commissioner of elections shall be the secretary of the board of county canvassers. When a chairman of the board of county canvassers shall have been chosen, as above provided, the secretary of*

such board shall thereupon administer the constitutional oath of office to the chairman, who shall then administer such oath to each member, and to the secretary of the board. A majority of the members of any board of canvassers shall constitute a quorum thereof. If, on the day fixed for such meeting, a majority of any such board shall not attend, the members of the board then present shall elect the chairman of the board and adjourn to some convenient hour of the next day. If such board, or a majority thereof, shall fail or neglect to meet within two days after the time fixed for organizing such board, the supreme court, or any justice thereof, or county judge within such county, may compel the members thereof by writ of mandamus to meet and organize forthwith. -

§ [431]262. Production of returns and tally sheets. As soon as such board of county canvassers shall have been organized, the [officer] *county clerk and board of elections* with whom *and which* they were filed shall deliver to such board of canvassers all the returns with tally sheets annexed containing the original statements of canvass received from inspectors of election for districts within the county for which said board are county or city canvassers. The original statements which have been delivered to members of the board of canvassers shall then be delivered to the board. If any member of the county board of canvassers shall be unable to attend the first meeting of such board, he shall, at or before such meeting, cause to be delivered to the secretary of such board any original statement that may have come into his possession. If, at the first meeting of a county board of canvassers of any county, all returns with tally sheets annexed so required to be produced shall not be produced before the board, it shall adjourn to some convenient hour of the same or the next day, and the secretary of such board shall, by special messenger or otherwise, obtain such missing returns, if possible, otherwise he shall procure the other set of returns with tally sheets annexed, [or, failing that, the third set of returns without tally sheets,] in time to be produced before such board at its next meeting. At such first meeting, or as soon as an original statement of the result of the canvass of the votes cast at such election in every election district of the county shall be produced before such board, the board shall proceed to canvass the votes cast in such county at such election.

§ [432]263. Correction of clerical errors in election district statements. If, upon proceeding to canvass such votes, it

shall clearly appear to any county board of canvassers that certain matters are omitted from any such statement which should have been inserted, or that any merely clerical mistakes exist therein, they shall have power, and such power is hereby given, to summon the election officers whose names are subscribed thereto before such board, and such election officers shall forthwith meet and make such correction as the facts of the case require; but such election officers shall not change or alter any decision before made by them, but shall only cause their canvass to be correctly stated. The board of county canvassers may adjourn from day to day not exceeding three days in all, for the purpose of obtaining and receiving such corrected statement.

§ **[437]**264. Statements of canvass by county boards; preservation of protested, void and wholly blank ballots. Upon the completion by a county board of canvassers of the canvass of votes of which original statements of canvass are by law required to be delivered to them, by the boards or officers with whom the same may have been filed by the inspectors of election, they shall make separate statements thereof as follows:

1. One statement of all such votes cast for each office of elector of president and vice-president of the United States.

2. One statement of all such votes cast for each state office, to include, in the case of a candidate for governor who was nominated by two or more parties or independent bodies, a separate statement of the number of votes cast for him as the candidate of each party or independent body by which he was nominated.

3. One statement of all such votes cast for each office of representative in congress, except that the board of canvassers in the county of New York shall not make a statement of the votes cast in any election district in said county, for any candidate for the office of assemblyman, senator or representative in congress, the candidates for which were also voted for by voters in election districts in any county not within the city of New York.

4. One statement as to all such votes cast upon every proposed constitutional amendment or other proposition or question duly submitted to all the voters of the state.

5. One statement as to all the votes cast for all and each of the candidates for each office of member of assembly for which the voters of such county or any portion thereof, except as provided in paragraph numbered three in this section, were entitled to vote at such election.

6. One statement as to all the votes cast for each county office, and office of school commissioner, for which the voters of such county, or any portion thereof, were entitled to vote at such election, and to be canvassed by them.

7. One statement as to all the votes, if any, upon any proposition or question upon which only the voters of such county were entitled to vote at such election.

8. In the counties wholly or partly within the city of New York, the respective county boards shall make a separate statement as to the votes, if any, so cast upon any proposition or question upon which only the voters of such city were entitled to vote at such election in such county or portion thereof.

Each such statement shall set forth, in words written out at length, all votes cast for all the candidates for each such office; and if any such office was to be filled at such election by the voters of a portion only of a county, all the votes cast for all the candidates for each office in any such portion of a county, designating it by its proper district number or other appropriate designation; the name of each such candidate; the number of votes so cast for each, and, in the case of a candidate for governor who was nominated by two or more parties or independent bodies, the number separately stated of votes cast for him as the candidate of each party or independent body by which he was nominated; and the whole number of votes so cast upon any proposed constitutional amendment or other proposition or question, and all the votes so cast in favor of and against the same respectively. In the counties wholly or partly within the city of New York, the respective county boards shall make a separate statement of the votes cast for all the city offices voted for by the voters of such city or any portion thereof, within such counties.

The statements required by this section shall each be certified as correct over the signatures of the members of the board, or a majority of them, and shall be filed [and recorded] in the office of the board of elections of each county [except in the counties wholly within the city of New York, and in such counties they shall be filed in the office of the county clerk.] When the whole canvass shall be completed, all original statements of canvass used thereat shall be filed in the office of the [secretary of the] board[, who shall file a report of such canvass with the board of supervisors, except in counties wholly within a city of the first class. The original statement of canvass not used at the canvass and the packages of

protested, void and wholly blank ballots shall be retained in the office in which or by the officer with whom they were filed, except as otherwise expressly provided by law. The packages of protested, void and wholly blank ballots shall be retained inviolate in the office in which they are filed subject to the order and examination of a court of competent jurisdiction, or to examination by a committee of the senate or assembly to investigate and report on a contested election of member of the legislature where such ballots were cast at such election, and may be destroyed at the end of six months from the time of the completion of such canvass, unless otherwise ordered by a court of competent jurisdiction or unless such committee examination be pending].

§ [438]265. Decisions of county boards as to persons elected. Upon the completion of the statements required by the preceding section the board of canvassers for each county shall determine what person has by the greatest number of votes been so elected to each office of member of assembly to be filled by the voters of each county for which they are county canvassers if constituting one assembly district, or in each assembly district therein, if there be more than one, and each person elected by the greatest number of votes to each county office of such county to be filled at such election, and if there be more than one school commissioner district in such county, each person elected by the greatest number of votes to the office of school commissioner to be filled at such election in each district. The board of elections of the county of Hamilton shall forthwith transmit to the board of elections of the county of Fulton a certified copy of the statement [so] filed [and recorded] in its office of the county board of canvassers of Hamilton county as to all the votes [so] cast in Hamilton county for [all the candidates and for each of] the candidates for the office of member of assembly of the assembly district composed of Fulton and Hamilton counties; and the board of elections of Fulton county shall forthwith deliver the same to the Fulton county board of canvassers, who shall from such certified copy, and from their own statement as to the votes so cast for such office in Fulton county, determine what person was at such election elected by the greatest number of votes to such office. Such board of each county shall determine whether any proposition or question submitted to the voters of such county only has by the greatest number of votes been adopted or rejected.

All such determinations shall be reduced to writing and signed by the members of such board, or a majority of them, and

filed [and recored] in the office of the board of elections of [such] *the county or city*, [except in the counties wholly within the city of New York, and in such counties the county clerk who or which shall each cause a copy thereof, and of the statement filed and recorded in his or its office, upon which such determination was based, to be published in accordance with the provisions of the laws of eighteen hundred and ninety-two, chapter six hundred and eighty-six, sections twenty-one and twenty-two.]

The board of elections of each county *and city* [except in the counties wholly within the city of New York, and in such counties the county clerk,] shall prepare as many certified copies of each certificate of the determination of the county board of canvassers of such county as there are persons declared elected in such certificate, and shall, without delay, transmit such copies to the persons therein declared to be elected, respectively.

§ [439]266. Transmission of statements of county boards to secretary of state [and board of elections]. Upon the filing in the office of the [county clerk or] board of elections of a statement by the county board of canvassers as to the votes cast for candidates for the offices of electors of president and vice-president, or as to the votes cast for candidates for state officers, except members of assembly, and for representatives in congress, or as to the votes cast on any proposed constitutional amendment or other proposition or question submitted to all the voters of the state, such [county clerk or] board of elections shall forthwith make two certified copies of each such statement, and, within five days after the filing thereof in his or its office, transmit by mail one of such copies to the secretary of state, and one to the comptroller of the state. The comptroller shall forthwith upon the receipt thereof deliver such certified copy to the secretary of state. If any certified copy shall not be received by the secretary of state on or before the last day of November next after a general election, or within twenty days after a special election, he shall dispatch a special messenger to obtain such certified copy from the [county clerk or] board of elections required to transmit the same, and such [county clerk or] board of elections shall immediately upon demand of such messenger at his or its office make and deliver a certified copy to such messenger who shall, as soon as practicable, deliver it to the secretary of state.

The board of elections of each county *or city*[, except a county wholly within the city of New York, and in any such county the

county clerk,] shall transmit to the secretary of state within twenty days after a general election, and within ten days after a special election, a list of the names and residences of all persons determined by the board of county canvassers of such county to be elected member of assembly, or to any county office; and on or before the fifteenth day of December in each year a certified tabulated statement of the official canvass of the votes cast in each such county by election districts for candidates for governor, lieutenant-governor, secretary of state, comptroller, treasurer, attorney-general, state engineer and surveyor and United States senator, or any proposed constitutional amendment or other proposition, at the last preceding general election, to include, in the case of a candidate for governor who was nominated by two or more parties or independent bodies, a separate statement of the number of votes cast for him as the candidate of each party or independent body by which he was nominated.

[Upon the filing in the office of the county clerk of a county wholly or partly within the city of New York of a statement of the county board of canvassers as to the votes cast for candidates for a city office within such city, such county clerk shall forthwith make a certified copy of each such statement and, within five days after the filing thereof in his office, deliver in a sealed envelope such certified copy to the board of elections of the city of New York; on or before the fifteenth day of December in any year in which there shall have been an election for a city office for which votes were cast in a county within the city of New York the county clerk thereof shall file with the city clerk of such city a certified copy of the official canvass of the votes cast in such county or portion thereof by election districts for such city office, and such canvass by election districts shall, as soon as possible thereafter, be published in the City Record.]

§ [440]267. Organization and duties of board of canvassers of the city of New York. The board of elections of the city of New York shall be the board of canvassers of the city of New York of the statements of the county boards of canvassers of the counties within such city of the votes cast in such city or any portion thereof for a city office or upon any proposition or question upon which only voters of such city were entitled to vote. The members of the board of elections shall meet at the usual place for holding their regular meeting on the first Monday in December succeeding a general election

for a city office within such city and within thirty days after a special election, and shall organize by selecting one of the members as chairman. The secretary of the board of elections of the city of New York shall be the secretary of the board so organized, or if he be unable to serve the board may appoint a cheif clerk to be such secretary. The secretary shall thereupon administer to the chairman the constitutional oath of office and the chairman shall administer such oath to the members of such board and the secretary thereof.

As soon as such board shall have organized the secretary shall deliver to such board the certified copies of the statements of the county board of canvassers of each county wholly or partly within such city of the votes cast for candidates for city office within such city and upon any proposition or question, if any, submitted to the voters of such city only, and the said board shall proceed to canvass such statements. If a certified copy of any statement of any county board required to be delivered to said board shall not be delivered prior to the meeting and organization of said board, it may **[adjoin]** *adjourn* such meeting from day to day not exceeding a term of five days, and it shall be the duty of the secretary to procure from the county clerk of such county the required certified copy of such statement.

Upon the completion of such canvass said board shall make separate tabulated statements signed by the members of such board or a majority thereof, and attested by the secretary, of the whole number of votes cast for all the candidates for each office shown by such certified copies to have been voted for, the whole number of votes cast for each of such candidates, the number of votes cast in each county for them, and if the voters of only a part of a county were entitled to vote for such candidates, the part of such county, and the determination of the board as to the persons thereby elected to such office by the greatest number of votes. The said board shall also make a separate similar tabulated statement of the votes cast upon any proposition or question submitted at the election to the voters of such city only and shall include a determination as to whether such proposition or question by the greatest number of votes has been adopted or rejected.

Each such statement and determination shall be filed **[and recorded]** in the office of the board of elections**],** and the said board shall cause the publication of the same in at least two newspapers within each borough of such city and in the City Record**].**

Upon [the] *such* filing [in the office of the board of elections of such statements and determination] the president of the board of elections shall issue and transmit by mail or otherwise a certificate of election to each person shown thereby to be elected, such certificate to be countersigned by the members of the board of elections of the city of New York under the seal of the city of New York.

§ [440-a]268. City boards of canvassers. The city board of canvassers, in a city other than the city of New York, to canvass the results returned by the inspectors of election for a special city election, held at a time other than a general election, for the decision of city propositions submitted under a general law, shall be the common council of the city or other legislative governing body. The returns of the results of canvass by the inspectors in election districts, at any such election, shall be made to the city clerk, who shall present the same to the city board of canvassers. The city board of canvassers shall meet for the purpose of canvassing such results, not later than one week after the election.

§ [441]269. Organization of state board of canvassers. The secretary of state, attorney-general, comptroller, state engineer and surveyor, and treasurer, shall constitute the state board of canvassers, three of whom shall be a quorum. If three of such officers shall not attend on a day duly appointed for a meeting of the board, the secretary of state shall forthwith notify the mayor and recorder of the city of Albany to attend such meeting, and they shall forthwith attend accordingly, and shall, with the other such officers attending, constitute such board. The secretary of state shall appoint a meeting of such board at his office, or at the office of the treasurer or comptroller on or before the fifteenth day of December next after each general election, and within forty days after each special election, to canvass the statements of boards of county canvassers of such election. He shall notify each member of the board of such meeting. The board may adjourn such meeting from day to day, not exceeding a term of five days.

§ [442]270. Canvass by state board. Such board shall at such meeting proceed to canvass the certified copies of the statements of the county board of canvassers of each county in which such election was held. If any member of such board shall dissent from a decision of the board, or shall deem any of the acts or proceedings of the board to be irregular, and shall protest against

the same, he shall state such dissent or protest in writing signed by him, setting forth his reasons therefor, and deliver it to the secretary of state, who shall file it in his office.

Upon the completion of such canvass said board shall make separate tabulated statements signed by the members of such board or a majority thereof, of the whole number of votes cast for all the candidates for each office shown by such certified copies to have been voted for, the whole number of votes cast for each of such candidates, the number of votes cast in each county for them, and if the voters of only a district of the state were entitled to vote for any such candidate, the name and number of such district; the determination of the board as to the persons thereby elected to such office; the whole number of votes shown by such certified copies to have been cast upon each proposed constitutional amendment or other proposition or question shown by such copies to have been voted upon; the whole number of votes cast in favor of and against each, respectively; and the determination of the board as to whether it was adopted or rejected. Each such statement, dissent and protest shall be delivered to the secretary of state and **[recorded]** *filed* in his office.

§ **[443]**271. Certificates of election. The secretary of state shall thereupon forthwith transmit a copy, certified by his signature and official seal, of each such statement as to votes cast for candidates for any office, to the person shown thereby to have been elected to such office. He shall prepare a general certificate, under the seal of this state, and attested by him as secretary thereof, addressed to the house of representatives of the United States, in that congress for which any person shall have been chosen, of the due election of all persons so chosen at that election as representatives of this state in congress; and shall transmit the same to the house of representatives at its first meeting. If any person so chosen at such election shall have been elected to supply a vacancy in the office of representatives in congress, it shall be mentioned by the secretary of state in the statements to be prepared by him.

§ **[444]**272. Record in office of secretary of state of county officers elected. The secretary of state shall enter in a book to be kept in his office the names of the respective county officers elected in this state, including school commissioners, specifying the counties and districts for which they were severally elected, and their places of residence, the offices to which they were respectively elected, and their terms of office.

§ [433]273. Mandamus to [county or state] boards of canvassers to correct errors. The supreme court may upon affidavit presented by any voter, showing that errors have occurred in any statement or determination made by the state board of canvassers, or by any board of *state*, county or *city* canvassers, or that any such board has failed to act in conformity to law, make an order requiring such board to correct such errors, or perform its duty in the manner prescribed by law, or show cause why such correction should not be made or such duty performed. If such board shall fail or neglect to make such correction, or perform such duty, or show cause as aforesaid, the court may compel such board, by writ of mandamus, to correct such errors or perform such duty; and if it shall have made its determination and dissolved, to reconvene for the purpose of making such corrections or performing such duty. Such meeting of the board of state or county or *city* canvassers shall be deemed a continuation of its regular session, for the purpose of making such corrections, or otherwise acting as the court may order, and [the] *corrected* statements and certificates shall be made and filed as the court shall direct *and as provided in this article*, and shall stand in lieu of the original certificates and statements so far as they shall vary therefrom, and shall in all places be treated with the same effect as if such corrected statements had been a part of the originals required by law, *and thereupon such necessary proceedings shall forthwith be taken by such other boards as may be necessary to effectuate the result and certification of election as provided in this act.*

A special proceeding authorized by this section must be commenced within four months after the statement or determination in which it is claimed errors have occurred was made, or within four months after it was the duty of the board to act in the particular or particulars as to which it is claimed to have failed to perform its duty.

[§ 434. Proceedings of state board of canvassers upon corrected statements of county boards. When a new or corrected statement or certificate, made by a board of county canvassers under the provisions of the preceding section, shall vary from the original statement or certificate with reference to votes for the offices of governor, lieutenant-governor, judge of the court of appeals, justice of the supreme court, secretary of state, comptroller, state treasurer, attorney-general, state engineer and surveyor, senator or representative in congress, or any of them, the

county clerk, or other officer with whom the same is filed, shall forthwith prepare and transmit certified copies thereof to the officials mentioned in section four hundred and thirty-nine of this article, in the manner therein prescribed. The secretary of state shall thereupon file in his office the certified copy received by him, and obtained from the governor and comptroller the certified copies received by them, or either of them, and file the same in his office. He shall then, and within five days after any such certified copy has been received by him, appoint a meeting of the state canvassers to be held at his office, or the office of the state treasurer or comptroller, and the said board of state canvassers shall, from such certified copies, proceed to make a new statement of the whole number of votes given at the election referred to in such statement for the various offices above mentioned, or any of them, so far as the number of votes for any particular office or candidate has been changed by such new or corrected statement in the manner provided by section four hundred and forty-two of this article. Upon the new or corrected statement thus made, the said board of state canvassers shall then proceed to determine and declare what person or persons whose votes are affected by such new or corrected statement have been, by the greatest number of votes, duly elected to the various offices, or any of them, and the statement, certificate and declaration thereupon made shall stand in lieu of the original statement, declaration and certificate so far as the latter are changed by the former.】

【§ 435. Mandamus to state board to canvass corrected statements of county boards. The supreme court shall, upon application of a candidate interested in the result of such new or corrected statement, or of any voter in the county from which such statement came, and upon proof of affidavit that the same had been made and filed as herein provided, and that the state board of canvassers has neglected or refused to act thereon within the time above prescribed, require said board to act upon such new or corrected statement, and canvass the same as above provided, or show cause why it should not do so; and in the event of the failure of such board to act upon such new or corrected statement and canvass the same, or show cause as aforesaid, the court may compel such board by writ of mandamus to act upon and canvass such new or corrected statement, and make a statement, certificate and declaration in accordance therewith; and if the state board of canvassers shall have made a determination, and adjourned or

dissolved before receiving such new or corrected statement, the court may compel such board to reconvene for the purpose of carrying out its order and direction; and for that purpose the meeting of said board shall be deemed a continuance of its regular session.】

【§ 436. Proceedings upon corrected statements. The state board of canvassers and the secretary of state shall respectively have the same powers and discharge the same duties with reference to new or corrected statements, that they have and are charged with with reference to original statements.】

ARTICLE 10.

PRESIDENTIAL ELECTORS.

Section 280. *Electors of president and vice-president.*

281. *Secretary of state to furnish lists of electors.*

282. *Meeting and organization of electoral college.*

283. *Vote of the electors.*

284. *Appointment of messenger.*

285. *Other lists to be furnished.*

286. *Compensation of electors.*

【§ 449. United States senators. At the general election next preceding the expiration of the term of office of a United States senator from this state, a successor to such office shall be elected by the people for a full term of six years. If a vacancy occur in the office of United States senator from this state in any calendar year less than thirty days prior to a general election, the governor shall make a temporary appointment to fill such vacancy until the first day of December in the succeeding calendar year. If such a vacancy occur in any calendar year more than thirty days prior to a general election the governor shall make a temporary appointment to fill such vacancy until the first day of December in such calendar year. Such an appointment to fill a vacancy shall be evidenced by a certificate of the governor which shall be filed in the office of the secretary of state. At the time of filing of such certificate the governor shall also issue, and file in the office of the secretary of state, a writ of election directing the election of a United States senator to fill such vacancy for the unexpired term at the general election next preceding the expiration of the term of such appointment. The provisions of this chapter relating to the canvass of votes and of election results

shall apply to such an election to fill a vacancy, except that the canvass of votes and results affecting the office of United States senator shall be completed by the county board of canvassers, and statements thereof certified to the secretary of state within ten days after the election and the canvass of such results completed by the state board of canvassers and statements thereof certified to the secretary of state before the first day of December following the election. Each county board of canvassers shall meet and organize for such purpose on the third day after the election and the state board of canvassers on the second Monday after election.】

【§ 450. Representatives in congress. Representatives in the house of representatives of the congress of the United States shall be chosen in the several congressional districts at the general election held therein in every even numbered year. If any such representative shall resign, he shall forthwith transmit a notice of his resignation to the secretary of state, and if a vacancy shall occur in any such office, the clerk of the county in which such representative shall have resided at the time of his election, shall, without delay, transmit a notice thereof to the secretary of state.】

§ 【451】280. Electors of president and vice-president. At the general election in November preceding the time fixed by the law of the United States for the choice of president and vice-president of the United States, there shall be elected by general ticket as many electors of president and vice-president as this state shall be entitled to, and each voter in this state shall have a right to vote for the whole number, and the several persons, to the number required to be chosen, having the highest number of votes shall be declared and be duly appointed electors.

§ 【453】281. Secretary of state to furnish lists of electors. The secretary of state shall prepare three lists, setting forth the names of such electors, and the canvass under the laws of this state of the votes given for each person for whose election any and all votes were given, together with the certificates of determination thereon, by the state canvassers; procure to the same the signature of the governor; affix thereto the seal of the state; and deliver the same thus signed and sealed to the president of the college of electors on the second Monday in January.

§ 【452】282. Meeting and organization of electoral college. The electors of president and vice-president shall convene at the capitol on the second Monday in January next following their

election, and those of them who shall be assembled at twelve o'clock, noon, of that day, shall immediately at that hour fill, by ballot and by plurality of votes, all vacancies in the electoral college occasioned by the death, refusal to serve, or neglect to attend at that hour, of any elector, or occasioned by an equal number of votes having been given for two or more candidates. The electoral college being thus completed, they shall then choose a president, and one or more secretaries from their own body.

§ [454]283. Vote of the electors. Immediately after the organization of the electoral college, the electors shall then and there vote by ballot for president and vice-president, one of whom at least shall not be an inhabitant of this state. They shall name in their ballots the person voted for as president, and in distinct ballots, the person voted for as vice-president. They shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify, and after annexing thereto one of the lists received from the secretary of state, they shall seal up the same, certifying thereon, that lists of the votes of this state for president and vice-president are contained therein.

§ [455]284. Appointment of messenger. The electors shall then, by a writing under their hands, or under the hands of a majority of them, appoint a person to take charge of the lists so sealed up, and deliver the same to the president of the senate at the seat of government of the United States before the third Monday in the said month of January. In case there shall be no president of the senate at the seat of government on the arrival of the person intrusted with the lists of the votes of the electors, then such person shall deliver the lists of votes in his custody into the office of the secretary of state of the United States.

§ [456]285. Other lists to be furnished. The electors shall also forward forthwith, by the post-office in the city of Albany, to the president of the senate of the United States at the seat of government, and deliver forthwith to the judge of the United States court for the northern district of the state of New York, simial lists signed, annexed, sealed up and certified in the manner aforesaid.

§ [457]286. Compensation of electors. Every elector of the state for the election of a president and vice-president of the United States, who shall attend at any election of those officers and give his vote at the time and place appointed by law, shall be

entitled to receive for his attendance at such election, the sum of fifteen dollars per day, together with ten cents per mile each way from his place of residence by the most usual traveled route, to the place of meeting of such electors, to be audited by the comptroller upon the certificate of the secretary of state, and paid by the treasurer.

【§ 292. Filling vacancies in elective offices. A vacancy occurring before October fifteenth of any year in any office authorized to be filled at a general election, shall be filled at the general election held next thereafter, unless otherwise provided by the constitution, or unless previously filled at a special election. Upon the failure to elect to any office, except that of governor or lieutenant-governor, at a general or special election, at which such office is authorized to be filled, or upon the death or disqualification of a person elected to office before the commencement of his official term, or upon the occurrence of a vacancy in any elective office which can not be filled by appointment for a period extending to or beyond the next general election at which a person may be elected thereto, the governor may in his discretion make proclamation of a special election to fill such office, specifying the district or county in which the election is to be held, and the day thereof, which shall be not less than thirty nor more than forty days from the date of the proclamation.

A special election shall not be held to fill a vacancy in the office of a representative in congress unless such vacancy occurs on or before the first day of July of the last year of the term of office, or unless it occurs thereafter and a special session of congress is called to meet before the next general election, or be called after October fourteenth of such year; nor to fill a vacancy in the office of state senator, unless the vacancy occurs before the first day of April of the last year of the term of office; nor to fill a vacancy in the office of a member of assembly, unless occurring before the first day of April in any year, unless the vacancy occurs in either such office of senator or member of assembly after such first day of April and a special session of the legislature be called to meet between such first day of April and the next general election or be called after October fourteenth in such year. If a special election to fill an office shall not be held as required by law, the office shall be filled at the next general election.】

ARTICLE 11.

SOLDIERS' AND SAILORS' ELECTIONS.

- Section 290. *Special polls in time of war.*
291. *General register of absent voters.*
292. *Poll books and oaths.*
293. *Official war ballot.*
294. *Official envelopes for war ballots.*
295. *Delivery of official war ballots, poll books and envelopes.*
296. *Lists of nominations.*
297. *Polls of election.*
298. *Opening of the polls.*
299. *Organization of the polls.*
300. *Conduct of elections.*
301. *Count of the votes.*
302. *Returns not to be rejected because of informality of election.*
303. *Disposition of envelopes and ballots.*
304. *Canvass by inspectors of election.*
305. *Canvass by county board.*
306. *Canvass by state board.*
307. *Returns or statements not made and filed prior to certain dates in any year not to be canvassed.*
308. *Elections may be contested.*
309. *General provisions concerning elections to apply.*
310. *Synopsis of this article to be published and distributed.*

§ [500]290. Special polls in time of war. Whenever, in time of war, any qualified voter of this state shall be in the actual military service of this state or of the United States, in the army or navy thereof, and by reason thereof absent from his election district, such absent voter shall be entitled to vote as fully as if he were present at his place of residence in the manner hereinafter provided.

§ [501]291. General register of absent voters. It shall be the duty of the secretary of state to prepare and make a general register on cards, by counties, in which shall be entered the names of the voters of this state absent from their respective election districts in time of war in the actual military service of this state or of the United States in the army or navy thereof. The cards

in each county group shall be arranged in the alphabetical order of the names of the voters. Such card register shall contain the name and residence of each such absent voter by street and number, if any, and the name of the county and city or town in which he resides, so far as the secretary of state can ascertain the same. The card for each such absent voter shall contain also the name or number or other designation of the regiment, company, troop, vessel or other command to which such voter is attached or assigned. It shall contain also the location of such command at the time of such entry, so far as the secretary of state can ascertain the same, unless there are military reasons for omitting such information.

In order to secure the necessary information to make and complete such general register, it shall be the duty of the secretary of state to obtain from the appropriate military and naval authorities or from the most expedient source the required information. The secretary of state shall furnish proper blanks for such purpose. Such general register shall be a public record and shall at all reasonable times be open for inspection by any voter of this state. It is hereby made the duty of every public officer, and of every citizen, to furnish to the secretary of state such information as he may possess relating to such absent voters[; and any person who shall refuse so to do, or shall wilfully furnish false information in reference to such absent voters, shall be deemed guilty of a felony and shall, upon conviction thereof, be punished by imprisonment in a state prison for not less than one year nor more than three years].

§ [502]292. Poll books and oaths. It shall be the duty of the secretary of state to cause to be prepared and printed in book form a sufficient number of poll books, at least two books for each poll, for the use of the inspectors of elections at the polls of the elections held under the provisions of this article. Such poll books shall be in the general form of those prescribed for use at elections in this state, omitting all columns except those for the number, name and residence of each voter, and so arranged that there can be entered therein, in addition to such entries, in separate columns, the name of the county and city or town in which the persons voting at such poll reside or claim to reside, and also the designation of the particular command to which each such person is attached or of which he forms a part. Upon the first page of each such poll book shall be printed the date and character of the election for which it is prepared, and blank

spaces in which shall be written by the inspectors the place at which the poll was held, and the names and residences of the persons acting as inspectors of election thereat. Upon the page following the last page of each such poll book used for recording the names of voters at such poll, shall be printed a blank certificate, to be signed by the inspectors of election at the close of the polls. Such certificate shall be substantially in the following form:

“We, the inspectors of election for the general (or special) election held at (here follows the name of the place) on the day of, 19..., do hereby certify that the names of the persons recorded herein as having voted at such election, such persons numbering in all (here follows the number in figures and words), are all the persons who appeared before us and demanded to vote at such election, and took the oath required, and who voted at such election.

.....,
,
,
,

Inspectors of Election.”

Such poll books shall also contain the oaths for the inspectors of election provided in section five hundred and nine of this article.

§ [503]293. Official war ballot. It shall be the duty of the secretary of state to cause to be prepared and printed at least twice as many official ballots as there are voters absent from their respective election districts. All such ballots shall be uniform in size and in style of type, and the type and paper shall conform generally to that used for the regular official ballots prescribed by this chapter. At the head of the ballot shall be printed the following:

“OFFICIAL” WAR BALLOT OF THE STATE OF NEW
 YORK (Year)

Read instructions carefully!

INSTRUCTIONS

1. To vote for all the candidates of one party for all the offices named on this ballot for which the voter is entitled to vote, make a cross X mark within the circle under the emblem of that party.
2. To vote for a certain person for a particular office, unless he

is the candidate of a party under whose emblem you have made your mark in a circle, make a cross \times mark in a voting square opposite his printed name, or, if his name is not printed, write it in the blank space.

3. The blank space for writing in a name is under the title of the office, or, where the names of candidates for the office are printed, is just below such printed names.

4. If two or more persons are to be elected to the same office, and you vote for a certain person or persons for that office, by individual voting marks or writing in a name or names, your vote, as to that office, will count only for the persons so indicated."

Below such instructions there shall be a horizontal line, and below such line shall appear the emblems of the parties, with a circle under each emblem. Each circle shall be approximately three-quarters of an inch in diameter and surrounded by the words "for a straight ticket mark within this circle." Such emblems, and accompanying circles, shall be arranged horizontally, in the order of priority, of the parties according to the preceding vote for governor, from left to right, thus:

(Insert emblem)



(Insert emblem)



Below the circles there shall be a horizontal line.

Below the horizontal line under the circles, the ballots shall be divided into columns. At an election at which one or more offices are to be voted for by all the electors of the state, there shall be printed, beginning in the first column, the names of all nominated candidates for all such offices, in appropriate sections, in the manner provided by this chapter for the regular official ballots, with titles of offices, section numbers, emblems, voting squares, names of parties and political organizations and blank spaces for writing in names of candidates, as provided for such official ballots.

Following such matter, in as many columns as the secretary of state may deem advisable, or beginning in the first column if none of the offices are to be voted for by all the electors of the

state, there shall be printed the titles of all other offices, as near as may be, for which any elector may vote in any election district of the state at such election. Such offices shall be classified into judicial, legislative, county, city, ward and town offices, and otherwise if there be offices of other classes. The title of each class shall be printed above the titles of offices in such class. Below the title of each office shall be a space or spaces for writing in the name or names of the person or persons for whom the voter desires to vote if he chooses to vote in that manner. One-half inch shall be allowed for the title of each class of offices and one-half inch space for the title of an office and writing in the name of a person as the voter's choice for such office. Each class of offices shall be separated by a heavy horizontal line across the column. Such offices and titles, except as to the spacing, shall be printed substantially as follows:

JUDICIAL OFFICES.

For justice of the supreme court for judicial district.

LEGISLATIVE OFFICES.

For representative in congress for congressional district.

 For state senator for senate district.

 For member of assembly for district of county.

COUNTY OFFICES.

For sheriff of county.

 For district attorney of county.

CITY OFFICES.

For mayor of the city of

WARD OR TOWN OFFICERS.

For supervisor of ward or town of

 For justice of the peace, town of

In a year when a president of the United States is to be elected, a separate ballot for electors of president and vice-president shall be provided which shall be in the same form as the ballot for such officers to be voted by any other electors.

§ [504]294. Official envelopes for war ballots. He shall also cause to be prepared and printed at least twice as many official envelopes as there are voters absent from their election districts, as shown by such general register. Such envelopes shall be gummed, ready for sealing. Upon one side of such envelope shall be printed in substantially the following form the following:

“ OFFICAL WAR BALLOT

FOR

GENERAL ELECTION, NOVEMBER

(here insert the date of the election.)

Name of voter
 Residence (street and number, if any)
 County of
 City or Town of

.....,

Secretary of State.”

Upon the other side of such envelope shall be printed the following oath:

“ OATH OF ELECTOR.

“ I do swear (or affirm) that I have been a citizen of the United States for ninety days and am now of the age of at least twenty-one years, or will be on the (here insert the date of the election); that I will have been an inhabitant of the state of New York for one year next preceding this election and for the four months preceding such election a resident of the county of, and am a qualified voter, residing at (street and number, if any), in the (city or town of); that I am in the actual military (or naval) service of the state of New York or of the United States, and at present attached to (here state the particular command to which attached); and that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing, as a compensation or reward for the giving or withholding of a vote at this election, and have not made any

promise to influence the giving or withholding of any such vote; and that I have not made or become directly or indirectly interested in any bet or wager depending upon the result of this election; and that I have not been convicted of bribery or any infamous crime, or, if so convicted, that I have been pardoned and restored to all the rights of a citizen.

.....
 Voter MUST sign here, and inspector of elections MUST administer and attest oath.

Subscribed and sworn to before me, this
 day of (here insert the date),

.....,
 Inspector of Elections.”

If at such election any proposed amendment to the constitution or other proposition or question is to be submitted to the vote of the voters of the state, the secretary of state shall furnish an equal number of ballots for questions so submitted in the form prescribed by section three hundred and thirty-two of this chapter, which shall be properly indorsed, as a war ballot.

§ **[505]**295. Delivery of official war ballots, poll books and envelopes. The secretary of state shall cause to be delivered to the commanding officer of every command in which ten or more voters of this state are included, absent from their respective election districts in time of war in the actual military service of this state or the United States in the army or navy thereof, a sufficient number of official war ballots of each kind and official envelopes, at least twice as many as there are such voters in such command; and two poll books for the use of such voters at each poll of each election held under the provisions of this article. Such official war ballots, poll books and envelopes shall be delivered in time for use at the election for which they are prepared, in such manner and by such means as shall in the judgment of the secretary of state be best suited to secure their safe and timely delivery for the use of the voters at the election for which they have been prepared. If the number of voters in any command be less than ten, or voters be detached by military order and absent from their command, the secretary of state shall, when practicable, mail or deliver to such voters of that description as he may, with reasonable diligence, be able to locate, official war ballots and official envelopes.

§ [506]296. Lists of nominations. It shall be the duty of each [county clerk or board] *board of elections* with [whom or] which certificates of nominations to public office are filed to cause a certified list of such nominations to be forthwith forwarded by mail to the secretary of state, including the name and residence of each nominee together with the title of the office for which he is nominated and the party or other political name specified in such certificates of nomination. It shall be the duty of the secretary of state after the receipt by him of such certified lists of nominations to communicate so far as practicable, to each commanding officer of any command having therein ten or more voters of this state absent from their respective election districts in time of war, in the actual military service of this state or the United States in the army or navy thereof, the name and residence of each person named in any certificate of nomination so certified by a county clerk or filed in the office of the secretary of state, together with the title of the office for which he is nominated and the party or other political name specified in such certificates of nominations; and upon receipt thereof each such commanding officer shall cause such information to be posted in a conspicuous place for the information of such absent voters in his command.

§ [507]297. Polls of election. Polls of an election held under the provisions of this article shall be opened on the day of such election at the quarters of the captain or other commanding officer of any company, troop or other command in the military service of this state or of the United States in the army or navy thereof, if the same be composed in whole or in part of voters of this state. All qualified voters of this state in such command may vote at such poll. Officers and enlisted men, voters of this state, attached to or forming part of a command having therein less than ten such voters, or detached by military order and absent from their command, may vote at such other poll as may be most convenient for them, or, if any such voter shall have received a ballot and envelope from the secretary of state as provided in section [five hundred and five] *two hundred and ninety-five*, he may take the oath provided for in section [five hundred and four.] *two hundred and ninety-four*, upon the envelope, before his commanding officer, prepare his ballot, inclosing same in such envelope, fill out the endorsement thereon and mail such envelope or cause it to be mailed or delivered to the secretary of state, who shall include the same in the envelopes to be transmitted to the board of elections of the county in which the voter resides as pro-

vided in section [five hundred and thirteen.] *three hundred and three.* Such board shall transmit the ballot, as provided in such section, to the board of inspectors of the election district in which the voter resides, and the same shall be canvassed, if the voter is a qualified elector.

§ [508]298. Opening of the polls. Any election held under the provisions of this article shall be held upon the day of the general or special election in this state, or on any secular day within twenty days next prior thereto, such prior day to be fixed by the commanding officer of highest rank in the territory or naval fleet, where the poll or polls for such election shall be held, by proclamation duly made, but such officer need not fix the same day for such election throughout all of the military or naval units of such territory or fleet; provided, however, that if by reason of the exigencies of war such election cannot be held in any of the polls herein provided on the day so fixed, such election may be held on the next day practicable thereafter upon like proclamation of such commanding officer of highest rank; but such election shall not be held later than the day of such general or special election. Such polls shall be opened at such hour of the day as shall be most convenient for such voters and shall remain open not less than three hours and as much longer as shall, in the opinion of the inspectors of election serving at such polls, be necessary in order to receive the votes of all voters of this state entitled to vote at such polls; but no polls shall be kept open later than sunset of the day on which such election shall be held.

The inspectors shall at the opening of such polls make public proclamation of the opening thereof and the time at which such polls shall be closed, and as near as may be, at one hour before the closing of the polls, public proclamation shall again be made by the inspectors that the polls will be closed at a time certain then proclaimed, which shall be the hour announced in the proclamation made at the opening of the polls. The polls shall not for any reason be kept open after the hour fixed by the first proclamation.

§ [509]299. Organization of the polls. At the hour and place herein provided for the opening of the polls, the qualified voters of the state then present shall, by viva voce vote, select four of their own number to act at such election as the inspectors of election thereof. Such inspectors shall, so far as possible, be so selected that they shall equally represent the two political parties of this state which at the last preceding election in this

state polled the highest and next highest number of votes respectively. Such inspectors, when so elected, shall choose one of their number as chairman of the board of inspectors by election or by drawing lots. Such chairman shall then administer the oath of office to the other inspectors and one of the other inspectors shall then administer the same to the chairman. The oath to be administered shall be as follows:

"I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the state of New York, and that I will faithfully discharge the duties of the office of inspector of election according to the best of my ability."

Such oath or affirmation shall be written or printed, or partly written and partly printed, and attached to or entered upon the poll books used at such election, and subscribed by the person taking the same, and certified by the person administering the same. *The inspectors shall act by majority vote. If any inspector after having been chosen shall permanently absent himself the remaining inspectors, or if there be none the voters present shall by appointment fill the vacancy, regard being had to the bipartisan character of the board.*

Immediately upon the organization of such board of inspectors the commanding officers to whom shall have been delivered any official war ballots, poll books and envelopes shall deliver the same to the inspectors of election of such election and shall take a receipt therefor, which receipt shall be forwarded by mail by such commanding officer to the secretary of state. The said inspectors shall produce and have at the polls, before any votes are taken by them, a box for the reception of the ballots to be voted at such election. Before proceeding to take any votes they shall open said box and publicly exhibit the inside thereof, and the same shall be entirely empty. They shall then close and securely fasten the same and the said box shall not be opened again until the close of the polls at such election. Each such box shall have an opening in the top thereof for the reception of voted ballots.

The chairman of the board of inspectors shall have charge of the ballot box during the election and shall receive from the qualified voters their envelopes containing ballots and shall deposit them in the ballot box. He shall designate two other inspectors of opposite political faith, if possible, to keep the poll books of such election. The remaining inspector shall have charge of the official ballots and envelopes and shall deliver the same to the qualified voters entitled to vote at such election.

§ [510]300. Conduct of elections. The election shall be by ballot. Before any person shall receive an official ballot or be permitted to vote, he shall make and subscribe the oath printed upon the official envelope, as provided by this article, and any member of said board of inspectors is hereby authorized to administer and attest such oath. If any voter shall refuse to take the oath so tendered he shall not be allowed to vote; but if he shall take the oath tendered him his vote shall be accepted. Upon taking the oath required, the voter shall give to the inspectors keeping the poll books, who shall each enter upon the poll book kept by him, his name and residence by street and number, if any, county and city or town. He shall also give such other information as is required to be entered in such poll book. When such voter gives such information to such inspectors, the inspector having charge of the ballots and envelopes shall write in the proper blank spaces upon such official envelope the name and residence by street and number, if any, of such voter, and the county, and the city or town in which he claims to reside, and shall deliver such ballot or ballots and such envelope, to such voter. Such voter shall then retire to some convenient place and shall prepare his ballots and envelope for voting.

To vote for all the candidates of a party for all offices for which he is entitled to vote in the election district in which he resides, the voter may make a cross X mark in the circle beneath the emblem of such party. In lieu thereof, he may express his choice of certain persons for certain offices by voting as follows: To so vote for a candidate for an office to be voted for by all the electors of the state, if the name of such candidate be printed upon the ballot, the voter shall make a cross X mark in a voting square to the left of the candidate's name; to so vote for any person, for any such office, whose name is not printed upon the ballot, the voter may write the name of such person in the blank space provided therefor in the proper section after the printed name; to so vote for a person for an office to be voted for by less than all the electors of the state, the voter may write in the blank spaces provided therefor beneath the titles of the proper offices the names of the persons for whom he desires and is entitled to vote. The voter may make a cross X mark in a circle beneath the emblem of a party and also vote, by writing the name or making a mark in a voting square if any, for a certain person for whom he desires and is entitled to vote, for a particular office, who is not the

nominee of such party; and in that case he shall be deemed to have voted for all of the candidates of such party, for whom he is entitled to vote, except the candidate for an office for which he has expressed his choice by such writing or mark in a voting square, and shall be deemed to have voted for such person for such office; provided, however, that where two or more persons are to be elected to the same office, if the voter writes in the names of one or more persons as his choice therefor or indicates such choice by a mark in a voting square, his vote, as to that office, shall be counted only for the persons whose names are so written or indicated. If the voter shall have marked within a party circle and also indicated by writing or by a mark in a voting square the name of a person as his choice for a particular office and such person be also the candidate of such party for that office, such writing, or mark in a voting square, shall be deemed surplusage and the vote counted for such person. The ballot, if any, for electors of president and vice-president of the United States shall be marked in the same manner as similar ballots used by other electors.

After preparing his ballot and before delivering the same to the chairman of the board of inspectors, the voter shall fold his ballot in such a way that the contents of the ballot shall be concealed and inclose the same in such envelope which he shall securely seal. He shall then deliver such envelope to the chairman of the board of inspectors; but before such envelope shall be deposited in the ballot box the chairman shall declare from such envelope the name of such voter and his residence by street and number, if any, county and city or town, and if such voter is entitled to vote and such envelope is securely sealed and his name and the other matter hereby required is recorded upon the poll books, the inspector keeping such poll book shall announce the same as correct and shall record such voter as voting. The chairman shall thereupon deposit such envelope containing such ballot or ballots in the ballot box. Any voter so having voted, shall not again be entitled to vote at such election, though present on election day in the election district where he resides.

If, for any cause, the official ballots, poll books and envelopes shall not be provided as required by law at any polling place, upon the opening of the polls for any election thereat, or if the supply of official ballots or envelopes shall be exhausted before the polls are closed, unofficial ballots, poll books and envelopes printed or

written, made as nearly as practicable in the form of the official ballot, poll books and envelopes may be used.

§ [511]301. Count of the votes. As soon as the polls of an election are closed, the inspectors of election thereat shall publicly destroy all official envelopes and ballots not voted; and shall then publicly open such ballot boxes and count and ascertain the number of voters voting and not adjourn or postpone the count until it shall be fully completed. The board of inspectors shall commence the count by comparing the two poll books used at such election, correcting any mistakes therein, and by counting the envelopes containing ballots found in the ballot boxes without opening them, and by comparing the envelopes containing ballots found in such box with the number shown by the poll books to have been deposited therein. The inspectors shall number each voter whose name is recorded in such poll books as having voted beginning with the first name entered therein and numbering the same in consecutive order and shall fill out and sign the certificate required to be made by them as to the whole number voting at such election. If the envelopes containing ballots found in such box shall be more than the number of such envelopes so shown by the poll books to have been deposited therein, the inspectors shall compare the names upon such envelopes with the names recorded in such poll books and all such envelopes so found in said ballot box purporting to have been deposited therein by a voter whose name is not duly entered in such poll books as herein provided, shall with their contents be immediately destroyed, without opening the same; and if more than one such envelope shall be found in said ballot box purporting to have been deposited therein by the same voter, then all such envelopes and their contents purporting to have been deposited in such ballot box by such voter shall be destroyed. No such envelope that has not the official indorsement as herein provided shall be counted. At the completion of the count the inspectors shall certify the correctness of the same upon the poll books and shall publicly announce the result of such count. The inspectors shall thereupon inclose all such envelopes containing ballots without opening the same, in a sealed package with one of said poll books, and shall direct them to the secretary of state, at Albany, New York, and shall forward the same by mail or express to him as soon as possible after such election. The other of such poll books shall be sealed in an envelope directed to the governor of the state of New

York, at Albany, New York, and shall be forwarded forthwith to him by mail or express, but by different hands, if possible, from those carrying such envelopes containing ballots and such poll books, so directed to be forwarded to the secretary of state, receipts therefor, respectively, being taken by the chairman of the board of inspectors.

§ [512]302. Returns not to be rejected because of informality of election. No mere informality in the manner of carrying out or executing the provisions of this article shall invalidate the election held under the same or authorize the rejection of the returns thereof; and the provisions of this article shall be liberally construed for the purposes herein expressed or intended.

§ [513]303. Disposition of envelopes and ballot. 1. Upon the receipt by the governor of the poll books of the votes cast at any such election, he shall deliver the same to the secretary of state. The secretary of state shall upon receipt of the packages notify the chairman or any member of the state committees of the parties which at the last election for governor cast the highest and the next highest number of votes for such office, that at a day and hour named therein at his office he will begin opening the packages and comparing the poll books with the envelopes containing ballots received by him and with the poll books, if any, received from the governor. Such notice shall be served personally or by mail directed to the last known place of residence of such person. The secretary of state may proceed with such work from day to day without further notice. He shall forthwith prepare from said poll books and envelopes a separate statement for each county under his official seal in which shall appear all the information hereby required to be entered in such poll books, concerning the voters resident in such county. He shall affix his seal of office to each such envelope and shall transmit such statement with envelopes containing ballots of such voters resident in such county, to the board of elections of each such county, except that in any county within the city of New York such statement and envelopes shall be transmitted to the board of elections of such city taking their receipt for such statement and the number of such envelopes.

2. A statement for each election district, showing the names and residence addresses of all such voters in said election districts, as near as may be, shall be open to public inspection at the office of each such board of elections on and after the fourth Tuesday

following election day. Such statements shall be added to from time to time as names of additional voters are received by such boards of election. Each such statement shall be prepared in duplicate and the duplicate copy thereof shall be mailed immediately to the secretary of state and it shall be open at all times to public inspection at the office of the secretary of state together with all additions made thereto.

3. Such board of elections shall then designate from the duly constituted inspectors of election, in each election district in which any such voter resides as appears from the envelopes, two inspectors of election, one from each political party represented on the board of inspectors of election in the election district, who shall constitute a board of inspectors of election, in their respective election districts, for the purposes hereinafter provided. The board of elections shall so designate one of the two inspectors to be chairman of such board in each election district. The board of elections shall then forthwith give written notice of the receipt of such statement and envelopes and of the designation of such inspectors, including the chairman, to the inspectors of election so designated in each district to which such statements and envelopes respectively relate, by inclosing such notice in a properly sealed wrapper addressed to such inspectors at their respective post-office addresses and by prepaying the postage thereon. Each board of elections, after the receipt of such statements and envelopes, shall notify the chairman or any member of the county committees of the parties which at the last election for governor cast the highest and next highest number of votes for such office in the state, that at a day and hour named therein at his or their office he or they will open the packages containing such statement and envelopes. Such notice shall be served personally or by mail directed to the last known place of residence of such person.

4. It shall be the duty of such board of elections to prepare a statement in like form for each election district in said county in which any such voter shall reside, and to cause such statement with the envelopes containing ballots of voters resident in such election district to be delivered to the board of inspectors of election of each election district at least one-half hour before the board of inspectors of election of said district shall convene for the purpose of canvassing such votes, as herein provided. All statements provided by this article shall be public records.

5. The board of elections shall also cause to be delivered to the board of inspectors of each election district the poll-book used in the election district for entering the names of civilian voters on the regular day of election within the state, and a copy of the register prepared or revised for such election. Where personal registration was required, the copy of such register and of such poll-book shall be the signature copy. At the same time and in like manner, an assembly district map prepared in accordance with section two hundred and ninety-eight of this chapter shall be delivered to the board of inspectors of election of each election district and such map shall be posted conspicuously in the polling place and remain so posted until the canvass of the ballots has been completed.

In cities and in villages having five thousand inhabitants or more, envelopes containing war ballots which shall have been delivered in error to the wrong election district shall immediately be delivered by the board of inspectors of election to the police and by them to the election officials of the appropriate election district, and in such cities and villages the inspectors shall remain at their respective polling places until twelve o'clock noon so that all such ballots, if any, may be received and canvassed as provided by this chapter. If it is not feasible to deliver any such envelopes to the appropriate election district, such envelopes shall not be opened but shall be rejected and an endorsement of the reason for its rejection shall be made on the back of each such envelope.

6. The board of inspectors in any election district wherein any such ballots are to be canvassed, shall convene, for the purpose of canvassing such votes, at the place where the election was held, at ten o'clock in the forenoon on the sixth Tuesday after the election, in the case of a general election, or, in the case of any other election, on a day to be fixed by the board of elections, which shall not be later than the sixth Tuesday after the election. At least one week before such day, the board of elections shall post in its office and in each branch office a notice specifying the day so fixed and also mail notice thereof to any candidate who shall have previously filed a written request for such notice and to the chairman or any member of the county committees to whom it is required by this section to give notice of the opening of packages containing statements and envelopes. It shall be the duty of each board of inspectors of election immediately upon their convening

as herein provided to open said polls; and the chairman thereof shall publicly read aloud the indorsement contained upon each such envelope. After the reading of each such indorsement, both inspectors shall examine the register and poll-book, furnished as provided in subdivision five of this section, for the purpose of rejecting any envelope bearing the name of a voter who voted within the state, in the election district, at the election; and the signatures, if any, on the poll-book and on the envelope, of a person or persons of the same name, shall be compared. No envelope shall be rejected for such reason unless the identity of the voter whose name is on the envelope and of a person whose name is on the poll-book be established to the satisfaction of both inspectors. If such voter shall be qualified to vote in such election district, the chairman shall then carefully open said envelope and without unfolding or inspecting the contents of such ballot or ballots, shall deposit the same in the ballot box or boxes provided therefor. If any such envelope shall contain more than one ballot for the same officers, amendment or question, all ballots therein shall be rejected. Said board of inspectors shall file all such envelopes with their return in the office of the board of elections. If it shall be determined that for any reason such voter is not qualified to vote in said election district, his envelope shall be rejected, without opening, or, if such disqualification be discovered after the withdrawal of the ballot, or ballots from the envelope and before deposit in the ballot box, his ballot or ballots shall be rejected without inspection or unfolding and shall be returned to the envelope. In case of such rejection, the envelope shall be filed as above provided, with an indorsement thereon as to the reason for the rejection; provided, however, that envelopes delivered in error to the wrong election district, in cities and villages having five thousand inhabitants or more, shall be disposed of as provided in subdivision five of this section.

7. If it is impossible to determine the address of the voter, or, if there is no address on the envelope by which the appropriate election district may be determined, or, if the envelope is entirely blank, such envelope shall not be opened but shall be rejected and an indorsement of the reason for its rejection shall be made on the back of such envelope.

8. All envelopes received by a board of inspectors of election shall be preserved and returned to the board of elections, except such envelopes as may be found to belong in another election district and were forwarded to the proper polling place for such election district and in such event the board of inspectors of election

shall make a report to the board of elections indicating thereon the name and address endorsed upon each such envelope and the address of the polling place to which each such envelope was sent and the time it was sent.

§ [514]304. Canvass by inspectors of election. After all such ballots shall have been cast, said board of inspectors of election shall immediately proceed to canvass the same as provided by law, except that no ballot shall be rejected as void where the intent of the voter is clearly apparent and except that after the tally has been once completed, [as provided in section three hundred and sixty-eight,] the ballots shall be examined and the votes thereon announced by the inspector who kept the tally sheet and at the same time the chairman shall examine and check the tally sheet as the vote is announced. After making any necessary change in the tally sheet, and otherwise proving the tallies in the manner provided in article ten, such board shall make a statement and return of the canvass as provided by law and forthwith forward the same to the board of elections by one of the inspectors or by registered mail or express. The expense of such mailing or expressing incurred by an inspector shall be added to his account for services as inspector and repaid by the town or city. If such statement and return are delivered to the board of elections by an inspector in person he shall not receive any compensation or mileage therefor or be allowed expenses in connection therewith.

§ [515]305. Canvass by county board. The county board of canvassers or such other board as performs like duties, shall convene not later than the seventh Thursday after the election day, at their usual place of meeting, at one o'clock in the afternoon for the purpose of canvassing such statements and returns.

At such meeting of the county or other canvassing board the said board shall proceed to canvass such statements and returns of the respective election district boards of inspectors and shall from such statements and returns, together with the statements and returns theretofore made of such election, make new and separate statements of the votes cast in such county or any part thereof, and shall complete their canvass and make the statements provided for by section [four hundred and thirty-seven] *two hundred and sixty-four* of this chapter, and they shall not, until such meeting, determine the result of the election, anything now provided by law to the contrary notwithstanding. But nothing herein shall prevent any county board of canvassers from proceeding as provided by this chapter except as to such final determination.

Such meeting or meetings of the board of county canvassers shall be deemed a continuation of its regular session.

§ [516]306. Canvass by state board. If any such new statements shall be made by a county board after the time fixed by law for the canvass of the regular statements of the county boards by the state board of canvassers, the state board of canvassers shall convene upon notice by the secretary of state and shall proceed to canvass such new statements of a county board, and their original canvass, if any, shall be corrected accordingly; and the state board of canvassers shall cause a determination of such result to be made in accordance with such new statements. And they shall not, until such meeting, determine the result of the election, anything now provided by law to the contrary notwithstanding.

§ [517]307. Returns or statements not made and filed prior to certain dates in any year not to be canvassed. No statement, as provided by this article, which shall not have been duly made and filed by a county board of canvassers prior to the twentieth day of December next succeeding such election in any year, shall be canvassed or affect the result of such an election; and no return or statement not received by a county board of canvassers at their meeting herein provided for, shall be thereafter canvassed, or affect the result of such election.

[§ 518. Provisions of penal law relating to crimes against the elective franchise to apply. All the provisions of the penal law relating to crimes against the elective franchise shall be deemed to apply to all elections held under the provisions of this article, and any person who shall violate any such provisions may be indicted at any time in any county of this state and may be fined or imprisoned or both so fined and imprisoned upon conviction thereof whenever found in this state.]

[§ 519. Filling vacancies in the office of inspector of elections. It shall be lawful for a majority of the inspectors of election provided for by this article to execute all the trusts and duties required to be executed by the inspectors herein provided for. And if for any cause, after the inspectors of election hereinbefore provided for shall have been chosen, any of the said inspectors shall permanently absent himself from the place of holding such election, or shall for any cause be obliged permanently to leave the place of holding such election, the remaining inspectors, or on their default the voters present, may fill such vacancy, pre-

serving, if possible, the bipartisanship of such board; and any person so appointed to fill such vacancy shall take the oath of office and shall thereupon continue with the other inspectors to perform the duties of such office at such election to the end thereof.】

§ [520]308. Elections may be contested. All elections held under this article shall be subject to contest and inquiry in the same manner as elections held within this state. The sealed packages of voted ballots shall be held inviolate in the office in which they are filed, subject to the order of a court of competent jurisdiction and may upon such order of such court be opened and canvassed.

§ [521]309. General provisions concerning elections to apply. The several officers or persons authorized by the provisions of this article to conduct the elections held by virtue hereof shall have the like powers, and they, as well as other persons who may be candidates for office at such election, or who may attend such election, or may vote or offer to vote at such election, shall be subject to the like [penalties and restrictions] rules as are declared and provided by law in case of elections within this state, and all provisions of this chapter, as far as applicable and not inconsistent with the provisions of this article, shall apply to elections held under this article.

§ [522]310. Synopsis of this article to be published and distributed. The secretary of state shall whenever necessary cause a brief synopsis of the provisions of this article, and such extracts therefrom as he may deem suitable, to be published in pamphlet form, properly indexed, and shall cause the same to be, as generally as may be, circulated among the voters of this state absent from their respective election districts in time of war in the actual military service of this state or of the United States, in the army or navy thereof.

The secretary of state shall also provide in addition to the necessary official ballots, poll books and envelopes, such other blank forms, envelopes, instructions to voters, and other stationery for use at each poll of any election held under this article, as may be necessary for the proper conduct of such election, and shall transmit them to the proper place and to the proper persons in ample time for their safe delivery and use at such election. He may order or purchase any of the printing and supplies required by this article wherever he deems it desirable for the best interests of the state. He shall also provide for the return of such poll books, envelopes and ballots of such election to him at the expense of this state.

ARTICLE 12.

CAMPAIGN RECEIPTS AND EXPENDITURES.

- Section* 320. *Statement of campaign receipts and expenditures.*
321. *Treasurer of political committee.*
322. *Campaign contributions to be under true name of contributor.*
323. *Accounting to treasurer or candidate.*
324. *Vouchers.*
325. *Proceedings where statement filed is defective.*
326. *Proceedings to be summary.*
327. *Conduct of hearing.*
328. *Personal privilege of witnesses.*
329. *Judgment and penalty.*

【§ 540. Political committee defined. The term “political committee,” under the provisions of this article shall apply to every committee or combination of three or more persons co-operating to aid or to promote the success or defeat of a political party or principle, or of any proposition submitted to vote at a public election or to aid or take part in the election or defeat of a candidate for public office; or to aid or take part in the election or defeat of a candidate for nomination at a primary election or convention, including all proceedings prior to such primary election, or of a candidate for any office whether public or not to be voted for at a primary election; or to aid or defeat the nomination by petition of a candidate under the primary election law; but nothing in this article contained shall apply to or in respect of any committee or organization for the discussion or advancement of political questions or principles without connection with any election.】

§ 【541】320. Statement of campaign 【payments not made through political committee】 *receipts and expenditures. Every candidate at any primary or general or special election and any person or persons or committee or organization who or which shall 【any person, including a candidate, who to】 promote the success or defeat of a political party, or 【to】 aid or influence the 【election】 success or defeat of a candidate or candidates for designation, nomination or public office; or 【to aid or influence the election or defeat of a candidate for nomination at a primary election or convention, including all proceedings prior*

to such primary election, or of a candidate for any office whether public or not to be voted for at a primary election, or to aid, influence or prevent the nomination of a candidate by petition under the provisions of the primary election law,] directly or indirectly, *by himself or itself* or through another person, [shall give, pay, expend or contribute, or shall promise to give, pay, expend or contribute, any money or other valuable thing except to the chairman, *other head or treasurer* [or a member] of a political committee *or organization described in this section* or to an agent duly authorized thereto in writing by such committee *or organization* or to a candidate or an agent of such candidate authorized *thereto in writing* by the candidate [thereto in writing, or except for personal expenses as hereinafter provided, shall file the statement required by section five hundred and forty-six, and shall be subject to all the duties by this chapter required of a political committee or the treasurer thereof.] *shall within twenty days after such election file in the office of the board of elections of the county, or if the candidate sought an office voted for wholly within the city of New York in the office of the board of elections of the city of New York, or if the candidate sought an office voted for in more than one county, except in the city of New York, in the office of the secretary of state.*

[§ 546. Statement of campaign receipts and payments. The treasurer of every political committee which, or any officer, member or agent of which, in connection with any election receives, expends or disburses any money or its equivalent or incurs any liability to pay money or its equivalent shall, within twenty days after such election, file a statement setting forth all the receipts, expenditures, disbursements and liabilities of the committee, and of every officer, member and other person in its behalf. In each case it] *a statement which shall include the amount received by such candidate, person or persons or committee or organization, the name of the person or committee from whom received, the date of its receipt, and the amount of every expenditure or disbursement, the name of the person or committee or organization to whom it was made, and the date thereof; and unless such expenditure or disbursement shall have been made to another [political] committee or organization as described in this section, the statement* [it] *shall state clearly the purpose of such expenditure or disbursement. Expenditures and disbursements in sums under five dollars need not be specifically accounted*

for by separate items, except in the cause of payments made for account of or to political workers, watchers or messengers. [The statement to be filed by a candidate or other person not a treasurer shall be in like form as that hereinbefore provided for, but in statements filed by a candidate there shall also be included all contributions made by him.] *The statement in the case of a committee or organization shall be verified and filed by the treasurer. This section shall not apply to candidates for party positions at a primary where there are not upon the printed primary ballot opposing candidates, nor to a person not a candidate or to a committee or organization which shall expend not to exceed fifty dollars, nor to*

[§ 561. Application of article limited. The provisions of this article shall not be applicable to elections of town or village officers in any town or village, or to] any person, association or corporation engaged in the publication or distribution of any newspaper or other publication issued at regular intervals in [respect to] the ordinary [conduct] course of [such] business. *The secretary of state shall provide forms for the reports above required.*

[§ 542. Personal expenses defined. A candidate for election to a public office, or to any office whether public or not to be voted for at a primary election; or for nomination at a primary election or convention; or for nomination by petition under the provisions of the election law, and any other person, may incur and pay, in connection with such election, his own personal expenses for traveling and for purposes properly incidental to traveling; for writing, printing and preparing for transmission any letter, circular or other publication not issued at regular intervals, whereby he may state his position or views upon public or other questions; for stationery and postage; for telegraph, telephone and other public messenger service; but all such expenses shall be limited to those which are directly incurred and paid by him. A candidate shall in any event file a statement of any contributions made by him.]

§ [543]321. Treasurer of political committee. Every [political] committee or organization engaged in the activities specified in the preceding section shall have a treasurer, and shall cause him to keep detailed accounts of all money or its equivalent, received by or promised to, and of all expenditures, disbursements and promises of payment or disburse-

ment made by the committee or organization or any of its officers or members or by any person acting under its authority or in its behalf. No member thereof or other person acting under its authority or in its behalf shall receive any money or its equivalent, or expend or disburse the same until the committee shall have chosen a treasurer. There shall be filed in the office of the secretary of state within five days after [the choice of a treasurer] *the inauguration of the work of such committee or organization respecting a candidacy* a statement signed by [at least three members] *the chairman or other head and the treasurer* of such committee or organization giving the name and address of the treasurer [chosen].

§ [547]322. Campaign contributions to be under true name of contributor. No person shall in any name except his own directly or indirectly, himself or through another person, make a payment or a promise of payment to a political committee or to any officer or member thereof, or to any person or persons acting under its authority or in its behalf, nor shall any such committee or any such person or persons knowingly receive a payment or promise of payment, or enter or cause the same to be entered in the accounts or records of such committee, in any name other than that of the person or persons by whom it is made.

§ [544]323. Accounting to treasurer or candidate. Whoever, acting as an officer or member or under the authority of a [political] committee or organization, or under the authority of a candidate for public office [or for any office whether public or not to be voted for at a primary election; or for nomination at a primary election or convention; or for nomination by petition under the provisions of the election law,] or party position receives any money or its equivalent, or promise of the same, or expends or incurs any liability to pay the same, *for the purposes specified in section three hundred and twenty of this act* shall, within three days after demand, and in any event within fourteen days after such receipt, expenditure, promise or liability, give to the treasurer of such committee, or to such candidate if an agent authorized by him, a detailed account of the same, with all vouchers required by this article, which shall be a part of the accounts and files of such treasurer or such candidate.

§ [545]324. Vouchers. Every payment required to be accounted for shall, unless the total expense payable to any one person be not in excess of five dollars, be vouched for by a receipted

bill stating the particulars of expense, and every voucher, receipt or account hereby required, shall be preserved for fifteen months after the election to which it relates.

【§ 548. Filing and preserving statements. All statements required by this article shall be filed with the secretary of state, except in those cases where a candidate is required to file a statement elsewhere by section seven hundred and seventy-six of the penal law, and all statements, vouchers, receipts and accounts required by this article shall be preserved for fifteen months after the elections to which they relate and shall be open to public inspection.】

【§ 549. Secretary of state to provide forms. The secretary of state shall provide blank forms suitable for the statements above required.】

§ 【550】325. 【Contempt proceedings upon default in filing statement.】 Proceedings where statement filed is defective. If 【any person or persons or committee or committees fails to file a statement or account as above required, or if】 any person or committee *or organization* files a statement which does not conform to the foregoing requirements in respect to its truth, sufficiency in detail, or otherwise, 【or if any person or committee has failed to comply with any other of the requirements or provisions of this article】 the supreme court or any justice thereof, may compel by order 【in proceedings for contempt,】 such person or committee to file a sufficient statement or account【, or otherwise comply with the provisions of this article】. The applicant for an order, as prescribed in this article, *within fifty days after the election as to which the statement was filed*, must present to the supreme court, or a justice thereof, a 【written】 petition, setting forth, upon information and belief, stating the grounds and sources thereof, or upon the personal knowledge of such applicant or applicants, any *such* failure 【or failures to comply with the provisions of this article】, the facts showing such failure 【or failures,】 and the names of the person or persons, or committee or committees *or organization or organizations*, charged with such failure 【or failures. Except when made by the attorney-general, such petition shall be verified in like manner as a verified complaint in an action brought in the supreme court】.

【§ 551. Who may maintain proceedings. Application for an order as prescribed herein】 *The application* may be made by the attorney-general, district attorney, a candidate voted for at the

election in respect to which the allegations in such petition may relate, or by any five qualified voters who voted at such election.

【§ 552. Undertaking for costs.】 At the time of presenting the petition, the petitioner, *unless he be the attorney-general or district attorney*, shall file with such court or justice thereof, an undertaking in a sum to be determined and with sureties to be approved by the court or justice thereof, conditioned to pay such costs and disbursements in such proceeding as 【shall】 *may* be adjudged against him, as hereinafter provided, not exceeding the sum fixed in said undertaking. Upon the presentation of such petition and the giving of the security provided for in the foregoing section, the court or justice thereof shall forthwith issue an order, a copy of which order and petition shall be served personally upon the person or persons named in such petition or left at his or their last known place of residence not less than 【seventy-two】 *twenty-four* hours prior to the return day thereof, and directing them to appear and show cause at a day certain 【within ten days after the issue of the order】, why such person or persons should not 【file a statement of election expenses, or】 amend the statement already filed, and 【to】 furnish 【the court or justice thereof】 such further information as the court may require on the subject. Copies of such order shall be served on the attorney-general of the state and on the district attorney of the county wherein such statement is required to be filed.

【§ 553. Time within which proceedings must be brought.】 Such petition shall be presented within fifty days after any election in respect to which the allegations of such petition shall relate if the statement mentioned therein was filed within the twenty days as herein required; but if the statement shall not have been filed within said twenty days, such petition may be presented at any time not more than sixty days after the filing of the statement. The said petition and order to show cause shall be filed, and any order or judgment made in the proceeding based thereon shall be entered in the office of the clerk of the county in which such election was held, if held wholly within a county, or otherwise in such other office as the court, or a justice thereof, shall direct.】

§ 【554】326. Proceedings to be summary. Upon the return of the order to show cause provided for in *the preceding* section 【five hundred and fifty-two】, the court, or justice, shall immediately, and in such manner as the court or justice shall

direct, and without respect to any technical requirement, inquire into the facts and circumstances and into such [violations of, or] failure to comply with, the provisions of this article, as may be alleged in any such petition, or into such other facts and circumstances relative to any such election or to any contribution or expenditure made in connection therewith, which at any time, whether before or during the continuance of such inquest, the court or justice holding such inquest shall deem necessary to secure compliance with the provisions of this article [or to punish for a violation thereof]. Such other persons as the court, or justice, shall deem necessary or proper to join or bring in as parties to the said proceedings in order to make its order, judgment or writs effective, may be joined as parties to the said proceeding in order to make its order, judgment or writs effective, may be joined as parties in such manner and upon such notice as said court or justice shall direct.

§ 555. Preference over other causes.] The proceedings upon, and the investigation of, the charges set forth in said petition, shall take precedence and be preferred over all other actions or proceedings by or before said court, or justice thereof, and in case of appeals, in the appellate division and in the court of appeals.

§ [559]327. Conduct of hearing. The attorney-general, a district attorney or some person designated by either, or by such court or justice, shall attend the inquest and examine the witnesses, and the persons or committees by or against whom the proceeding is brought shall have the right to appear by counsel at the inquest, produce evidence, and examine and cross-examine witnesses in their own behalf. [Such court or justice shall have power, by a subpoena duces tecum, to compel the production before him or it, for examination, of any books or papers of any kind or of any other thing which he or it may require in the conduct of such inquiry, and which is relevant and material. Such court or justice shall have power to cause any person who shall neglect or **refuse** to appear before him or it as a witness, having been duly summoned, to be brought before him or it; and any person in attendance as a witness, who shall refuse to be sworn as a witness, or who being sworn shall refuse to answer any proper questions propounded to him, and any person who, having been duly summoned, shall neglect or refuse to appear before such court or justice, may be adjudged guilty of contempt and may be fined not

more than one thousand dollars, or imprisoned not more than thirty days, or both.】

§ 【558】328. Personal privilege of witnesses. No person shall be excused from attending and testifying, or from producing any books, papers or other documents before the court, or justice thereof, upon any trial, investigation or hearing, under the provisions of this article, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him, may tend to convict him of a crime, or subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture, for or on account of any transaction, matter or thing concerning which he may so testify, or produce evidence, documentary or otherwise, and no testimony so given or produced shall be received against him upon any criminal investigation or proceeding.

【§ 557. Subpoenas. Any court or justice holding such inquest may issue subpoenas for witnesses, who shall be allowed the same fees, whose attendance may be enforced in the same manner, and who shall be subject to the same penalties, as if served with a subpoena in behalf of the state in a criminal prosecution in such court.】

§ 【560】329. Judgment and penalty. The said court or justice thereof shall render judgment in such proceedings as follows: If such person or persons 【or committee or committees】 proceeded against, have 【failed to file the required statement, or have】 filed a false or incomplete statement, without wilful intent to defeat the provisions of this article, the judgment shall require the person or persons proceeded against to file such statement or such amendment to the statement, as shall render the same true and complete, within ten days of the entry of the judgment *or such earlier time as the court may direct*, and to pay the costs and expenses of the proceeding. If such person or persons 【or committee or committees】 have 【failed to file a statement, or have】 filed a false or incomplete statement, and such 【failure to file or such】 false or incomplete statement was due to a wilful intent to defeat the provisions of this article, or if the person or persons proceeded against shall fail to file the 【required】 statement or amendment 【as】 directed by a judgment of 【a】 *the court or justice within* 【ten days after the entry of】 such *time as prescribed by said judgment*, the person or persons 【or committee or committees】 proceeded against shall

be liable *as for contempt* to a fine not exceeding one thousand dollars, or imprisonment for not more than one year, or both. If such person or persons [or committee or committees] have filed *prior to the initiation of such proceeding* a statement complying with the provisions of this article, or if the person or persons[, committee or committees] proceeded against[, or either of them,] are not required to file a statement as prescribed herein, the court or justice [shall] *may* render judgment against the applicant or applicants, and in favor of such person or persons [committee], for his or their costs and disbursements, to be taxed by such court or justice.

[§ 556. Appeals. Appeals may be taken to the appellate division of the supreme court, and to the court of appeals, from the orders herein provided for, in the same manner that appeals are taken from orders of the special term of the supreme court, and such appeals shall be considered by such appellate courts as appeals from orders.]

§ 2. This act shall take effect immediately, except that all elections, taking place prior to May first, nineteen hundred and twenty, and the proceedings precedent thereto shall be had under the statutes existing immediately prior to the passage of this act, and except that in the fall primary in the year nineteen hundred and twenty the registers heretofore prepared shall be used, the signature of the elector where required and the verifying initials of the inspector being made in the signature column, or in the signature and verification column of a copy of the register other than the one signed by the voter upon registration.

[ARTICLE] 7-A

COMMISSIONER OF ELECTIONS IN THE COUNTY OF MONROE

Section 210. Commissioner of elections for Monroe county.

211. Appointment, qualifications and removal of commissioner.

212. Appointment, removal and examination of inspectors of election, poll clerks and ballot clerks.

213. Office for commissioner.

214. Custody of records.

215. Employees.

216. Notices.

217. Filing papers; general powers and duties of commissioner.

Section 218. Purchase of supplies, including voting machines; expenses of commissioner.

219. Apportionment of expenses.

220. Publication of notices.

221. Polling places, election districts, et cetera.

222. Voting machines.

223. Construction of article.】

【§ 210. Commissioner of elections for Monroe county. The office of commissioner of elections in the county of Monroe is hereby created, and all the rights, powers, authority, duties and obligations immediately heretofore by law vested in and imposed upon any officer or officers of the county of Monroe or any political subdivision thereof or therein, excepting the appointment, duties and obligations of inspectors of election, poll clerks and ballot clerks, who shall be appointed as hereinafter provided and serve as provided by law with respect to general or special elections and official primaries in the county of Monroe or in any political subdivision thereof or therein, except elections held at a time other than the time of the general election, or of village and school district officers, and special elections for town, village and school district purposes held at such other time, shall by force of and as an effect of this article, be transferred to and be continued in the commissioner of elections in the county of Monroe hereby created from and after the time of appointment and qualification of the first commissioner hereunder.】

【§ 211. Appointment, qualifications and removal of commissioner. Within five days after this article takes effect the county judge, special county judge and the surrogate of Monroe county, or a majority of them, shall appoint a commissioner of elections who must be a resident voter of such county and shall file in the office of the clerk of such county a certificate of the appointment. Such commissioner of elections shall take the constitutional oath of office and file the same in the county clerk's office and shall hold office for a term of four years; his successor to be appointed in like manner. Such term of office, except as otherwise provided in this section, shall begin on the first day of May in every fourth year, beginning with the year nineteen hundred and twenty. The term of the commissioner first appointed hereunder shall begin on the day the appointment is made and expire on May first, nineteen hundred and twenty. In case of a vacancy in the office of commissioner of elections,

such county judge, special county judge and surrogate, or a majority of them, shall appoint a resident voter of Monroe county to fill such vacancy and shall file a certificate of such appointment in the office of the clerk of Monroe county. The person so appointed shall take the constitutional oath of office and serve the remainder of the term. The commissioner of elections appointed pursuant to this article shall be subject to removal by the governor in like manner as sheriffs of counties. Upon the appointment and qualification, pursuant to this section, of the first commissioner for such county, the board of elections therein shall be deemed abolished; and the terms of office of its members shall then expire. The provisions of article seven of this chapter shall not thereafter apply to the county of Monroe except section one hundred and ninety-nine; and the commissioner provided for herein shall be deemed a board of elections for the purpose of applying such section.】

【§ 212. Appointment, removal and examination of inspectors of election and clerks. Inspectors of elections and general clerks in and for the various election districts in the county of Monroe shall be appointed as follows: The chairmen of the county committees of the two political parties which at the last preceding general election of a governor cast the highest number of votes for governor shall each file with the commissioner of elections, on or before the first day of April of each year, a list of persons who are duly qualified to serve as inspectors of election and such clerks. The commissioner of elections shall thereafter examine each person whose name appears on such lists as to their qualifications for such offices. Such commissioner shall give each person whose name appears on such lists not less than three days' notice of such examination. Such notice must be either written or printed and state the date, time and place such examination is to be held and must be sent either by mail or special messenger. Any person receiving the notice shall appear before such commissioner of elections at the place fixed for such examination at the time stated in the notice, and the said commissioner of elections shall examine such person as to his qualifications for the office of inspector of election or clerk, as the case may be. Such examination may be either written or oral or both, and if the person so examined is found by the commissioner to be qualified and is, in the judgment of the commissioner a fit and proper person for such office, the commissioner or some person

designated by him shall administer the constitutional oath of office and issue to him a certificate of appointment and he shall serve until his successor is appointed; but if such person is found disqualified or is, in the judgment of the commissioner, not a fit and proper person for such office, his name shall be stricken from the list. A supplemental list of persons for election officers may also be filed containing not more than ten names for each office. Additional supplemental lists for any election district may be filed at any time before the appointments for such district are made, or when a vacancy shall exist for any cause, and all appointments shall be made from the original list if those named therein are found disqualified as herein provided; if not so qualified, then from a supplemental list so filed. If no list is filed by a party, and if within three days after notice in writing by the commissioner to the chairman of the county committee of such party, no list is filed, the commissioner of elections may appoint qualified persons, members of the party in default, to act as election officers, and the enrollment of such person shall be sufficient evidence of the party affiliation of such person. If a qualified person cannot be obtained for any election office from the list or lists filed by a party, and if within three days after notice in writing by the commissioner of elections to the chairman of the county committee of such party, an additional list is not filed containing the name or names of one or more qualified persons, the commissioner of elections may fill such office by the appointment of a qualified person, a member of the party in default. The commissioner of elections shall from time to time, as he may deem necessary, hold a school for the instruction of inspectors of election and general clerks. Such school shall not be held at any hour earlier than seven o'clock in the evening, and notice shall be given by the commissioner to each inspector of election and clerk stating the time and place such school will be held. The notice shall be by mail and either written or printed. If any inspector of election or clerk shall fail to attend such school after receiving notice thereof, the commissioner may remove him from office and fill the vacancy in the manner provided for in this article. Each election officer shall be paid one dollar for the time spent in attending a school of instruction, and the election officers of the towns of Monroe county, if such school be held at any place outside the town in which they respectively reside, shall be paid in addition the car fare going to and returning from the school. The money due an election officer for attending a school of in-

struction shall be paid at the same time and in the same manner as the pay for his other services. The commissioner of election shall have the power on any day of election, registration or primary election to remove from office forthwith any inspector of election or clerk for intoxication or failure to perform his duty in a satisfactory manner and to make a temporary appointment to fill the vacancy caused by such removal.】

【§ 213. Office for commissioner. It shall be the duty of the board of supervisors of Monroe county to provide an office for such commissioner of elections suitable for the preservation of the records of said office and for the doing of the work devolved upon such commissioner under and by reason of this article and the necessary furniture thereof. The expense of providing and furnishing such office shall be a county charge and be audited and paid as other county expenses are paid.】

【§ 214. Custody of records. All books, documents, papers, records and election appliances or appurtenances held or used by or under the control of any officer or officers of Monroe county or of any political subdivision thereof or therein and relating to or used in the conduct of general or special elections or official primaries, including voting machines used and owned by any political subdivision of Monroe county shall, upon request of the commissioner of elections be transferred to the care, custody and control of such commissioner.】

【§ 215. Employees. The commissioner of elections may appoint such employees as the board of supervisors of Monroe county shall by resolution from time to time authorize, and such employees shall receive such salaries and compensation as such board shall by resolution fix and determine. Each employee shall perform such duties as the commissioner of elections shall prescribe and shall hold office at the pleasure of such commissioner. The salary of the commissioner of elections of Monroe county shall be three thousand dollars per annum. Such salaries and compensation shall be paid in the same manner as the salaries of the county officers are paid.】

【§ 216. Notices. All notices which are now or which hereafter may be required by law to be given by the secretary of state or any other officer to any officer of Monroe county or of any political subdivision thereof or therein relating to the holding of any election or official primary, and stating the officers to be elected or nominated or party positions to be filled thereat, or the

questions to be voted upon by the people from and after the appointment and qualification of the first commissioner hereunder shall be communicated by the secretary of state or other officer to the commissioner of elections of Monroe county.】

【§ 217. Filing papers; general powers and duties of commissioner. All certificates of nomination for office to be voted for by the electors of Monroe county or any political subdivision thereof or therein at any election to which this article applies, all declinations of nominations for office, all certificates of nominations to fill vacancies caused by such declinations or by death, all designations, all declinations of designations, all certificates of designations to fill vacancies caused by such declinations, all statements of candidates' expenses, expenses of election or nomination and all rules and regulations of political parties otherwise required by law to be filed with any officer of Monroe county or any political subdivision thereof or therein, shall be filed in the office of the commissioner of elections hereby established, and such commissioner shall be the custodian of primary records for Monroe county and secretary of the county board of canvassers. The office of the commissioner shall be public and open on every business day of the year, during such reasonable hours as the commissioner shall designate. The commissioner may adopt rules and regulations for the conduct of his office, not inconsistent with this chapter. The official papers, records and documents of his office shall be public and open to inspection by any citizen of the state during office hours. Except as otherwise provided in this article, such commissioner shall have the powers and duties of a board of elections prescribed by this chapter or other statute and reference to such board shall be deemed to mean and include such commissioner.】

【§ 218. Purchase of supplies, including voting machines; expenses of commissioner. When the common council of any city, the town board of any town or board of trustees of any village in the county of Monroe shall have adopted voting machines, the commissioner of elections shall direct the purchase of the number of machines authorized by such local authorities, and may thereafter, when authorized by such local authorities, direct the purchase of new or additional machines for such city, town or village. The commissioner may direct the purchase of any kind of voting machines approved by the state board of voting machine commissioners or the use of which has been specifically adopted by law. All supplies or election appliances to be used

or furnished by the commissioner of elections for election purposes shall be purchased by the purchasing agent of Monroe county as other county supplies are purchased. The commissioner is hereby authorized to cause all necessary repairs and alterations to be made and employ such help as may be necessary in making such repairs and in moving, setting up and caring for all election materials and appliances. All expenses for supplies, advertising, posting and circulation of election notices and printing lists of registered voters and other expenses arising from the conduct of elections in Monroe county or in any political subdivision thereof or therein, incurred by or under the direction of the commissioner of elections except the compensation of inspectors of election and general clerks, shall hereafter be a charge against the county or political subdivision thereof or therein, as specified in this chapter and shall be certified by the commissioner of elections and audited and paid as are other claims against such county; provided, however, that any city, town or village may, upon request of the local authorities, assume the payment of the cost of purchasing voting machines and shall have the power to issue bonds, certificates of indebtedness or other obligations which shall be a charge on the city, town or village, payable at such time or times as such authorities may determine, issued with or without interest and not issued or sold at less than par.】

【§ 219. Apportionment of expenses. Such commissioner of elections shall, on or before the first day of October in each year, certify to the clerk of the board of supervisors of Monroe county the total amount of the expenses of his office, including salaries for the preceding year, and shall certify to such clerk the portion of such expenses which under the provisions of law is to be borne by the county at large and the portions thereof which are to be borne by each political subdivision thereof or therein, and the clerk of such board in spreading taxes levied upon taxable property of such county or any political subdivision thereof or therein shall include in the amount spread upon the county at large and the political subdivision thereof or therein the amount so certified by the commissioner to be borne by the county at large or the political subdivision respectively.】

【§ 220. Publication of notices. All publications, advertising or posting of election notices required by law relating to general and special elections or official primaries to which this article applies and all notices of such elections or primaries as are required by law to be published, advertised or posted shall be published, advertised or posted by the commissioner of elections.】

【§ 221. Polling places, election districts, et cetera. It shall be the duty of the commissioner of elections at least thirty days before each primary day to fix the polling places for each primary district in Monroe county and on or before the first Tuesday in September in each year to fix the polling places for registration and election in each election district in Monroe county. It shall be the duty of the commissioner to create, alter or divide the various political subdivisions of Monroe county into election districts as provided for in sections two hundred and ninety-six and four hundred and nineteen of this chapter. Whenever the commissioner shall have created, altered or divided the election district in any political subdivision of Monroe county he shall execute a certificate giving the boundaries of the new districts and file it in his office and make and file a copy thereof in the office of the city or town clerk, as the case may be, and also publish a description of such boundaries once in the paper designated to publish election notices.】

【§ 222. Voting machines. It shall be the duty of the commissioner of elections to cause the proper ballot labels to be placed on voting machines, and to cause the machines to be placed in proper order for voting and to examine all voting machines before they are sent out to the different polling places, and see that all the registering counters are set at zero (000), and lock all voting machines so that the counting machinery cannot be operated, and seal each one with a numbered metal seal. The commissioner of elections may appoint a custodian of voting machines who shall, under the direction of the commissioner of elections, have charge of and represent the commissioner of elections during the preparation of the voting machines and serve at the pleasure of the commissioner, but not to exceed forty days for any one election. Before preparing a voting machine for an election written notice shall be mailed to the chairman of the county committees of the two political parties which polled the greatest number of votes at the last preceding election of a governor, stating the time and place where the machines will be prepared; at which time and place one representative of each of such political parties, certified by the respective chairmen of the county committees of such parties, shall be entitled to be present and see that the machines are properly prepared and placed in proper condition for use at election. The custodian of voting machines and the party representatives shall take the constitutional oath of office and shall be paid five dollars for each day so employed, which

shall be paid in the same manner as the salaries of county officers are paid. It shall be the duty of such representatives to be present at the preparation of voting machines for election and to see that the machines are properly prepared and that all the registering counters are set at zero (000). When a machine has been prepared for election it shall be the duty of such representatives to make a certificate in writing, which shall be filed in the office of the commissioner of elections, stating the number of the machine, whether or not all of the counters are set at zero (000), the number registered on the protective counter, if one is provided, and the number on the metal seal with which the machine is sealed. Such representatives shall perform their duties under the direction of the commissioner. It shall be the duty of the commissioner to cause the voting machines to be delivered at the respective polling places in which they are to be used at least one hour before the time set for the opening of the polls.】

【§ 223. Construction of article. Nothing in this article shall be construed to affect or limit the powers of the board of supervisors of Monroe county or the town board of any town, or the village trustees of any village, in such county, as boards of canvassers for the county, towns and villages respectively. Nor shall this article apply to elections held in cities, towns or villages where elections are held at a time other than at the time of general elections. Where the provisions of this article are inconsistent with other provisions of this chapter or other statutes, the provisions of this article shall be controlling.】

【ARTICLE 7-B.

COMMISSIONER OF ELECTIONS IN THE COUNTY OF NIAGARA.

Section 225. Commissioner of elections for Niagara county.

226. Appointment, qualifications and removal of commissioner.

227. Appointment, removal and examination of inspectors of election, poll clerks and ballot clerks.

228. Office for commissioner.

229. Custody of records.

230. Employees.

231. Notices.

232. Filing papers; general powers and duties of commissioner.

233. Purchase of supplies, including voting machines; expenses of commissioner.

Section 234. Apportionment of expenses.

235. Publication of notices.

236. Polling places, election districts, et cetera.

237. Voting machines.

238. Construction of article.】

【§ 225. Commissioner of elections for Niagara county. The office of commissioner of elections in the county of Niagara is hereby created, and all the rights, powers, authority, duties and obligations immediately heretofore by law vested in and imposed upon any officer or officers of the county of Niagara or any political subdivision thereof or therein, excepting the appointment, duties and obligations of inspectors of election and clerks, who shall be appointed as hereinafter provided and serve as provided by law with respect to general or special elections and official primaries in the county of Niagara or in any political subdivision thereof or therein, except elections held at a time other than the time of the general election, or of villages and school district officers, and special elections for town, village and school district purposes held at such other time, shall, by force of and as an effect of this article, be transferred to and be continued in the commissioner of elections in the county of Niagara hereby created from and after the time of appointment and qualification of the first commissioners hereunder.】

【§ 226. Appointment, qualifications and removal of commissioner. Within five days after this article takes effect the county judge, county clerk and the district attorney of Niagara county, or a majority of them, shall appoint a commissioner of elections who must be a resident voter of such county and shall file in the office of the clerk of such county a certificate of the appointment. Such commissioner of elections shall take the constitutional oath of office and file the same in the county clerk's office and shall hold office for a term of five years; his successor to be appointed in like manner. Such term of office, except as otherwise provided in this section, shall begin on the first day of May in every fifth year, beginning with the year nineteen hundred and twenty-two. The term of the commissioner first appointed hereunder shall begin on the day the appointment is made and expire on May first, nineteen hundred and twenty-two. In case of a vacancy in the office of commissioner of elections, such county judge, county clerk and district attorney, or a majority of them,

shall appoint a resident voter of Niagara county to fill such vacancy and shall file a certificate of such appointment in the office of the clerk of Niagara county. The person so appointed shall take the constitutional oath of office and serve the remainder of the term. The commissioner of elections appointed pursuant to this article shall be subject to removal by the governor in like manner as sheriffs of counties. Upon the appointment and qualifications, pursuant to this section, of the first commissioner for such county, the board of elections therein shall be deemed abolished; and the terms of office of its members shall then expire. The provisions of article seven of this chapter shall not thereafter apply to the county of Niagara except section one hundred and ninety-nine; and the commissioner provided for herein shall be deemed a board of elections for the purpose of applying such section.]

[§ 227. Appointment and removal of inspectors of election and clerks. Inspectors of election and general clerks in and for the various election districts in the county of Niagara shall be appointed as follows: The chairmen of the county committees of the two political parties which at the last preceding general election of a governor cast the highest number of votes for governor shall each file with the commissioner of elections, on or before the first day of April of each year, a list of persons who are duly qualified to serve as inspectors of election and such clerks. If the person so named is found by the commissioner to be qualified and is, in the judgment of the commissioner, a fit and proper person for such office, the commissioner or some person designated by him shall administer the constitutional oath of office and issue to him a certificate of appointment and he shall serve until his successor is appointed; but if such person is found disqualified or is, in the judgment of the commissioner, not a fit and proper person for such office his name shall be stricken from the list. A supplemental list of persons for election officers may also be filed containing not more than ten names for each office. Additional supplemental lists for any election district may be filed at any time before the appointments for each district are made, or when a vacancy shall exist for any cause, and all appointments shall be made from the original list if those named therein are found disqualified as herein provided; if not so qualified, then from a supplemental list so filed. If no list is filed by a party, and if within three days after notice in writing by the commissioner to the

chairman of the county committee of such party no list is filed, the commissioner of elections may appoint qualified persons, members of the party in default, to act as election officers, and the enrollment of such persons shall be sufficient evidence of the party affiliation of such person. If a qualified person cannot be obtained for any election office from the list or lists filed by a party, and if within three days after notice in writing by the commissioner of elections to the chairman of the county committee of such party an additional list is not filed containing the name or names of one or more qualified persons, the commissioner of elections may fill such office by the appointment of a qualified person, a member of the party in default. The commissioner of elections may from time to time, as he may deem necessary, hold a school for the instruction of inspectors of election and general clerks. Such school shall not be held at any hour earlier than seven o'clock in the evening, and notice shall be given by the commissioner to each inspector of election and clerk stating the time and place such school will be held. The notice shall be by mail and either written or printed. If any inspector of election or clerk shall fail to attend such school after receiving notice thereof, the commissioner may remove him from office and fill the vacancy in the manner provided for in this article. Each election officer shall be paid one dollar for the time spent in attending a school of instruction, and the election officers of the towns of Niagara county, if such school be held at any place outside the town in which they respectively reside, shall be paid in addition the car fare going to and returning from the school. The money due an election officer for attending a school of instruction shall be paid at the same time and in the same manner as the pay for his other services. The commissioner of elections shall have the power on any day of election, registration or primary election to remove from office forthwith any inspector of election or general clerk for intoxication or failure to perform his duty in a satisfactory manner and to make a temporary appointment to fill the vacancy caused by such removal.]

[§ 228. Office for commissioner. It shall be the duty of the board of supervisors of Niagara county to provide an office for such commissioner of elections suitable for the preservation of the records of said office and for the doing of the work devolved upon such commissioner under and by reason of this article and the necessary furniture thereof. The expense of providing and fur-

nishing such office shall be a county charge and be audited and paid as other county expenses are paid.】

【§ 229. Custody of records. All books, documents, papers, records and election appliances or appurtenances held or used by or under the control of any officer or officers of Niagara county or of any political subdivision thereof or therein and relating to or used in the conduct of general or special elections or official primaries, including voting machines used and owned by any political subdivision of Niagara county, shall, upon request of the commissioner of elections, be transferred to the care, custody and control of such commissioner.】

【§ 230. Employees. The commissioner of elections is hereby authorized and empowered to appoint a deputy commissioner of elections, who shall perform such duties as the commissioner of elections shall prescribe, and also a secretary to the commissioner, who shall each hold office at the pleasure of the said commissioner, and such additional employees as the board of supervisors of Niagara county shall, by resolution, from time to time authorize; and such additional employees shall receive such salaries and compensation as the said board of supervisors shall, by resolution, fix and determine. Each of such employees shall perform such duties as the commissioner of elections shall prescribe and shall each hold office at the pleasure of said commissioner. The salary of the commissioner of elections of Niagara county shall be two thousand dollars per annum, the salary of the deputy commissioner of elections shall be fixed by the commissioner at not to exceed one thousand four hundred dollars per annum, and the salary of the secretary to the commissioner shall be fixed by the commissioner at not to exceed one thousand one hundred dollars per annum. Such salaries and compensation shall be paid in the same manner as the salaries of the county officers are paid.】

【§ 231. Notices. All notices which are now or which hereafter may be required by law to be given by the secretary of state or any other officer to any officer of Niagara county or of any political subdivision thereof or therein relating to the holding of any election or official primary, and stating the officers to be elected or nominated or party positions to be filled thereat, or the questions to be voted upon by the people from and after the appointment and qualification of the first commissioner hereunder, shall be communicated by the secretary of state or other officer to the commissioner of elections of Niagara county.】

【§ 232. Filing papers; general powers and duties of commissioner. All certificates of nomination for office to be voted for by the electors of Niagara county or any political subdivision thereof or therein at any election to which this article applies, all declinations of nominations for office, all certificates of nomination to fill vacancies caused by such declinations or by death, all designations, all declinations of designations, all certificates of designations to fill vacancies caused by such declinations, all statements of candidates' expenses, expenses of election or nomination, and all rules and regulations of political parties otherwise required by law to be filed with any officer of Niagara county or any political subdivision thereof or therein, shall be filed in the office of the commissioner of elections hereby established, and such commissioner shall be the custodian of primary records for Niagara county and secretary of the county board of canvassers. The office of the commissioner shall be public and open on every business day of the year, during such reasonable hours as the commissioner shall designate. The commissioner may adopt rules and regulations for the conduct of his office not inconsistent with this chapter. The official papers, records and documents of his office shall be public and open to inspection by any citizen of the state during office hours. Except as otherwise provided in this article, such commissioner shall have the powers and duties of a board of elections prescribed by this chapter or other statute and references to such board shall be deemed to mean and include such commissioner.】

【§ 233. Purchase of supplies, including voting machines; expenses of commissioner. When the common council of any city, the town board of any town or the board of trustees of any village in the county of Niagara shall have adopted voting machines, the commissioner of elections shall direct the purchase of the number of machines authorized by such local authorities, and may thereafter when authorized by such local authorities, direct the purchase of new or additional machines for such city, town or village. The commissioner may direct the purchase of any kind of voting machines approved by the state board of voting machine commissioners or the use of which has been specifically adopted by law. All supplies or election appliances to be used or furnished by the commissioner of elections for election purposes shall be purchased by such commissioner. The commissioner is hereby authorized to cause all necessary repairs and alterations to

be made and employ such help as may be necessary in making such repairs and in moving, setting up and caring for all election materials and appliances. All expenses for supplies, advertising, posting and circulation of election notices and printing lists of registered voters and other expenses arising from the conduct of elections in Niagara county or in any political subdivision thereof or therein, incurred by or under the direction of the commissioner of elections, except the compensation of inspectors of election and general clerks, shall hereafter be a charge against the county or political subdivision thereof or therein, as specified in this chapter, and shall be certified by the commissioner of elections and audited and paid as are other claims against such county; provided, however, that any city, town or village may, upon request of the local authorities, assume the payment of the cost of purchasing voting machines and shall have the power to issue bonds, certificates of indebtedness or other obligations which shall be a charge on the city, town or village, payable at such time or times as such authorities may determine, issued with or without interest and not issued or sold at less than par.】

【§ 234. Apportionment of expenses. Such commissioner of elections shall, on or before the first day of October in each year, certify to the clerk of the board of supervisors of Niagara county the total amount of the expenses of his office, including salaries for the preceding year, and shall certify to such clerk the portion of such expenses which under the provisions of law is to be borne by the county at large and the portions thereof which are to be borne by each political subdivision thereof or therein, and the clerk of such board in spreading taxes levied upon taxable property of such county or any political subdivision thereof or therein shall include in the amount spread upon the county at large and the political subdivision thereof or therein the amount so certified by the commissioner to be borne by the county at large or the political subdivision respectively.】

【§ 235. Publication of notices. All publications, advertising or posting of election notices required by law relating to general and special elections or official primaries to which this article applies and all notices of such elections or primaries as are required by law to be published, advertised or posted shall be published, advertised or posted by the commissioner of elections.】

【§ 236. Polling places, election districts, et cetera. It shall be the duty of the commissioner of elections at least thirty days

before each primary day to fix the polling places for each primary district in Niagara county and on or before the first Tuesday in September in each year to fix the polling places for registration and election in each election district in Niagara county. It shall be the duty of the commissioner to create, alter or divide the various political subdivisions of Niagara county into election districts as provided for in sections two hundred and ninety-six and four hundred and nineteen of this chapter. Whenever the commissioner shall have created, altered or divided the election districts in any political subdivision of Niagara county he shall execute a certificate giving the boundaries of the new districts and file it in his office and make and file a copy thereof in the office of the city or town clerk, as the case may be, and also publish a description of such boundaries once in the paper designated to publish election notices.】

【§ 237. Voting machines. It shall be the duty of the commissioner of elections to cause the proper ballot labels to be placed on voting machines, and to cause the machines to be placed in proper order for voting and to examine all voting machines before they are sent out to the different polling places, and see that all the registering counters are set at zero (000), and lock all voting machines so that the counting machinery cannot be operated, and seal each one with a numbered metal seal. The commissioner of elections may appoint a custodian of voting machines who shall, under the direction of the commissioner of elections, have charge of and represent the commissioner of elections during the preparation of the voting machines and serve at the pleasure of the commissioner, but not to exceed forty days for any one election. Before preparing a voting machine for an election written notice shall be mailed to the chairman of the county committees of the two political parties which polled the greatest number of votes at the last preceding election of a governor, stating the time and place where the machines will be prepared; at which time and place one representative of each of such political parties, certified by the respective chairmen of the county committees of such parties, shall be entitled to be present and see that the machines are properly prepared and placed in proper condition for use at election. The custodian of voting machines and the party representatives shall take the constitutional oath of office and shall be paid five dollars for each day so employed, which shall be paid in the same manner as the salaries of county officers are paid. It shall be the duty of such

representatives to be present at the preparation of voting machines for election and to see that the machines are properly prepared and that all the registering counters are set at zero (000). When a machine has been prepared for election it shall be the duty of such representatives to make a certificate in writing, which shall be filed in the office of the commissioner of elections, stating the number of the machine, whether or not all of the counters are set at zero (000), the number registered on the protective counter, if one is provided, and the number on the metal seal with which the machine is sealed. Such representatives shall perform their duties under the direction of the commissioner. It shall be the duty of the commissioner to cause the voting machines to be delivered at the respective polling places in which they are to be used at least one hour before the time set for the opening of the polls.】

【§ 238. Construction of article. Nothing in this article shall be construed to affect or limit the powers of the board of supervisors of Niagara county or the town board of any town, or the village trustees of any village, in such county, as boards of canvassers for the county, towns and villages respectively. Nor shall this article apply to elections held in cities, towns or villages where elections are held at a time other than at the time of general elections. Where the provisions of this article are inconsistent with other provisions of this chapter or other statutes, the provisions of this article shall be controlling.】

【ARTICLE 17

SPECIAL PROVISIONS FOR THE YEAR NINETEEN HUNDRED AND EIGHTEEN

Section 570. Application of article; definitions.

571. Qualifications of women, for enrollment.

572. Enrollment of women outside of a city or village of five thousand inhabitants.

573. Enrollment blanks for use outside of cities and villages of five thousand inhabitants; how provided.

574. Meeting of inspectors for personal enrollment of women in cities and villages of five thousand inhabitants.

575. Electioneering within one hundred feet of enrollment place forbidden.

576. Use of registers during personal enrollment of women.

Section 577. Entries to be made in register where enrollment is personal.

578. Ascertaining right to enroll where enrollment is personal.

579. Challenge oath.

580. Delivery of enrollment blanks by inspectors; enrollment.

581. First enrollment blanks for women, where enrollment is personal.

582. Declaration by inspectors.

583. Completion of enrollment.

584. Judicial review.

585. Transcripts from enrollment books; pamphlets.

586. Notice.

587. Booths, boxes, materials for personal enrollment; expenses.

588. Books and supplies for personal enrollment.

589. Signatures to designating petitions.

590. Fall primary; hours.

591. Special provision as to registration for the general election in the year nineteen hundred and eighteen.

592. Duplication of entries in register for special election not necessary in certain districts.

593. Penalty for false certificates and declarations.

594. Copy of this article to be distributed.】

【§ 570. Application of article; definitions. This article shall apply only to registrations, enrollments, elections and official primaries, and other matters relating thereto or connected therewith, in the year nineteen hundred and eighteen; and a reference to a specified month or day shall mean a month or day in that year. The other provisions of this chapter shall continue to apply during that year except in so far as they are inconsistent with this article. The words “personal enrollment,” as used in this article, mean the party enrollment of women upon personal appearance before inspectors of election in cities and villages of five thousand inhabitants or more, on the day provided therefor in this article.】

【§ 571. Qualifications of women, for enrollment. A woman who:

1. Is a citizen of the United States; and

2. Is a resident of the election district in which she offers to enroll; and

3. May be qualified to vote at the general election in the year nineteen hundred and eighteen, and is or will be at least twenty-one years of age on the day of the fall primary in such year,

May enroll with a party in the manner provided in this article.]

【§ 572. Enrollment of women outside of a city or village of five thousand inhabitants. A woman who resides outside of a city or village having five thousand inhabitants or more, and who is qualified to enroll with a party, may enroll by signing and marking, and by filing or causing to be filed with the custodian of primary records, after the fifteenth day of May and on or before the fifteenth day of June, a declaration in substantially the following form, the blanks to be properly filled:

“Primary enrollment for the year nineteen hundred and eighteen. County of; election district number of the town of (name of the county and town shall be printed. Number of election district may be written in by anyone).

I, the undersigned, do hereby declare that my residence address is correctly stated below my signature; that I am or will be at least twenty-one years of age on or before the (day of the month of the fall primary to be here inserted, in print) day of next September, which is the day of the next fall primary; that I am a citizen of the United States; that on the fifth day of November, nineteen hundred and eighteen, which is the day of the next general election, I will have been an inhabitant of this state for at least one year, and an inhabitant of the United States for the period of time required by law; that I intend to reside in the assembly district containing the town above named from now until such general election; that I am in general sympathy with the principles of the party under whose emblem I have made my mark hereunder; that it is my intention to support generally at the next general election the nominees of such party for state offices, and that I have not participated in any primary election or convention of any other party since the first day of last January.”

Then shall follow the party emblems and circles thereunder, arranged as provided in section seven; and the signature and residence address of the voter shall follow the circle, upon lines to be provided therefor.

Below the signature and address the following instructions shall be printed:

INSTRUCTIONS

“1. Make a cross \times mark in the circle under the emblem of the party with which you wish to enroll for the purpose of participating in its primary elections during the present year, and write your name and address on the lines provided therefor below the circles.

2. The declaration, after it is so marked and signed, may be mailed or delivered, after May fifteenth and on or before June fifteenth, nineteen hundred and eighteen, to (name or title and office address, with street and number if any, of custodian of primary records, to be printed) or it may be marked and signed in the presence of a commissioner of elections of this county (substitute ‘the county clerk’ in blanks for a county in which such clerk is the custodian of primary records) and left with him on or before said date. If the declaration is not marked and signed in the presence of such commissioner (or clerk, as the case may be), a witness must sign the certificate on the back of the declaration and insert his residence address.

3. If the person signing the declaration became a citizen by marriage, her statement as to being ‘an inhabitant of the United States for the period of time required by law,’ means that she has been such inhabitant since and including the fifth day of November, nineteen hundred and thirteen. This instruction does not apply to, and may be disregarded by, a woman citizen who was borne in this country or who has naturalization papers in her own name or who is a citizen because her parents were citizens.”

On the back of the declaration shall be printed a certificate in the following form which shall be signed by a witness if the voter does not sign her declaration in the presence of a commissioner of elections, or county clerk where such clerk is the custodian of primary records:

“I certify that the within declaration was signed in my presence.

(Signature)

Residence address.....”**】**

【§ 573. Enrollment blanks for use outside of cities and villages of five thousand inhabitants; how provided. The custodian of primary records, before the fifteenth day of May, shall provide at the expense of the county a sufficient number of enrollment blanks to enable women who reside outside of cities and villages of five thousand inhabitants or more to enroll

in the manner provided in this article. The custodian shall mail or deliver to any woman who applies by mail or in person therefor, a blank having thereon in print the name of the town in which she resides. He shall also deliver, on request, a reasonable number of blanks for the several towns in the county to the chairman or secretary of the county committee of each party.】

【§ 574. Meeting of inspectors for personal enrollment of women in cities and villages of five thousand inhabitants. Two inspectors of election, one from each political party represented on the board of inspectors of election in each election district to be designated by the board of elections from the duly constituted election inspectors for such election district, in each city and village having five thousand inhabitants or more, shall meet in their respective election districts in any such city or village on the fourth Saturday in May, in the year nineteen hundred and eighteen, for the party enrollment of women, residing in the city or village, who apply in person therefor and are entitled to enroll as provided in this article. Vacancies, if any, in the regular board of inspectors in any election district, by which either party has no representation on such board, shall be filled in the manner provided for in article eight in time for the making of such designations. If vacancies in the representation of a party on such regular board of inspectors in any election district be not so filled, the board or officer authorized to fill the same shall appoint, in the manner provided in such article, a member of such party to be one of the inspectors to conduct such enrollment. If one of the inspectors so designated or appointed be absent on such day of enrollment, the vacancy shall be filled in the manner provided in section three hundred and thirteen where two inspectors who are members of the same political party are absent on a day of registration; and if both of the inspectors designated or appointed to conduct such enrollment be absent on such day of enrollment, the vacancies shall be filled as provided in such section where all of the inspectors are absent on a day of registration.

Such meeting shall be held open from eight o'clock in the forenoon until ten o'clock in the evening.】

【§ 575. Electioneering within one hundred feet of enrollment place forbidden. During the hours of personal enrollment provided for in the preceding section, no person shall do any electioneering within the place of enrollment or within one hundred feet therefrom in any public street or in any building

or room, or in any public manner, and no political banner, poster or placard shall be allowed in or upon such enrollment place during such hours of enrollment. Distance markers shall be provided and posted in the same manner as required by this chapter for a general election.】

【§ 576. Use of registers during personal enrollment of women. The registers of electors shall be used on the day for the personal enrollment of women under this article only for recording facts with respect to a woman offering to enroll, and entries made therein on any such day shall not constitute a registration, nor shall they constitute an enrollment except where the register also has columns for enrollment. Except in the case of a woman previously registered for a special election, the words “for enrollment” shall be written by the inspectors in the last column of the register opposite the name of a woman with respect to whom entries are made.】

【§ 577. Entries to be made in register where enrollment is personal. Except as otherwise provided in this section, the entries to be made in the register, on the day of personal enrollment provided for in this article, with respect to a woman offering personally to enroll, and the duties of the inspectors, shall be those provided for in section one hundred and fifty-five. The exceptions are as follows:

1. In the register provided for in subdivision one of such section, in an election district outside of a city of over one million inhabitants, no such entries shall be made in the first column or in columns fifteen to twenty-three, inclusive; and the provisions of subdivision three of such section shall not apply to enrollments in any such election district.

2. In a register provided for in subdivision two of such section, in an election district within a city of over one million inhabitants, no such entries shall be made in the first column or in columns sixteen to nineteen inclusive.

3. In any election district, if a woman offering to enroll is a citizen by marriage, the words “by marriage” shall be entered in the column providing for matters relating to naturalization, together with the date when she first became an inhabitant of the United States.

4. In any election district, if a woman shall have been previously registered in such district for a special election, the only entry in the register, or, in a city of over one million inhabitants,

the only entry preceding the twenty-fourth column, shall be to correct the previous entry as to her residence address, occasioned by her removal, if any, to another address within the same election district.】

【§ 578. Ascertaining right to enroll where enrollment is personal. A woman offering to enroll at any such meeting for personal enrollment may be challenged by an inspector or by a qualified elector present. If challenged, in an election district in which she was not previously registered for a special election, she shall be allowed to enroll upon taking one or the other of the oaths provided for in the next section. If challenged in a district in which she was thus registered, she shall be allowed to enroll upon taking an oath, to be administered by an inspector, to the effect that she resides in such district. Provided, however, that in any case, with or without a challenge or the taking of such oath, she shall not be enrolled if the facts stated by her for required entries in the register show upon the face thereof that she is disqualified or if she refuses to make the necessary statements for such entries.】

【§ 579. Challenge oath. If a woman offering to enroll, on any such day of personal enrollment, be challenged, unless she was previously registered for a special election, an inspector, after ascertaining by inquiry how she gained citizenship, shall administer to her the appropriate oath in one of the following forms:

1. "You do swear (or affirm) that you are or will be at least twenty-one years of age on or before the (day of the month of the fall primary to be here inserted, in print) day of September, nineteen hundred and eighteen, which is the day of the next fall primary; that you are a resident of this election district and a citizen of the United States and that you did not acquire citizenship by marriage; that on the fifth day of November, nineteen hundred and eighteen, which is the day of the next general election, you will have been an inhabitant of this state for at least one year and that you intend to reside in this assembly district from now until such general election."

2. "You do swear (or affirm) that you are or will be at least twenty-one years of age on or before the (day of the month of the fall primary to be here inserted, in print) day of September, nineteen hundred and eighteen, which is the day of the next fall primary; that you are a resident of this election district and a citizen of the United States by marriage and that

on the fifth day of November, nineteen hundred and eighteen, which is the day of the next general election, you will have been an inhabitant of the United States for at least five years and of this state for at least one year, and that you intend to reside in this assembly district from now until such general election.”】

【§ 580. Delivery of enrollment blanks by inspectors; enrollment. Upon the completion of the required entries in the register upon such day for personal enrollment, with respect to any woman, in a district outside of a city of over one million inhabitants, if her enrollment is required by the provisions of this article, the inspectors shall enter her name, residence address and enrollment number in the appropriate columns of the enrollment books, and deliver to her an enrollment blank, having the same number. In an election district within a city of over one million inhabitants such enrollment number shall be written and blank delivered to a woman whose enrollment is so required, when the entries preceding the twenty-fourth column of the register are completed. Enrollment numbers shall run consecutively upward from the highest number on the enrollment books at the opening of such day of enrollment. In other respects the enrollment shall proceed as in the case of an enrollment on registration day. So far as consistent with this article, either inspector may perform any duty, relative to enrollment, imposed by this chapter on an inspector, or a chairman of a board of inspectors.】

【§ 581. First enrollment blanks for women, where enrollment is personal. For the matter of following the name of the voter and preceding the emblems, in the form provided for in section seven, the following shall be substituted in blanks for the personal enrollment of women under this article:

“I,, who have placed a mark underneath the party emblem hereunder of my choice, do solemnly declare that I reside in this election district; that I am a qualified elector of such election district or will be such qualified elector, or a qualified elector of this county, on the day of the next general election; that my residence address is (the residence address as appearing in the register is to be inserted in such space); that I am in general sympathy with the principles of the party under whose emblem I have made my mark hereunder; that it is my intention to support generally at the next general election the nominees of such party for state officers, and that I have not participated in any primary election or convention of any other party since the first day of last January.”

In the directions, following the circles, in such form, the words ' present year ' shall be substituted for " next year. "】

【§ 582. Declaration by inspectors. The declaration by inspectors, to be attached to each enrollment book at the close of such personal enrollment, instead of being in the form provided for in section twelve, shall be to the effect that the persons shown by such enrollment book, whose enrollment number begins with a number designated in the declaration constitute all the women who offered in person and were entitled to enroll in the election district on the fourth Saturday in May.】

【§ 583. Completion of enrollment. At the close of the day of such personal enrollment, the enrollment box for each election district, containing the blanks as delivered by the voters to the inspectors, together with enrollment books and records inclosed in a securely sealed envelope in the manner provided in section twelve, shall be returned by the inspectors to the custodian of primary records. The custodian shall then make the proper entries in the enrollment books, from the enrollment declarations as contained in the blanks found in the box. When any enrollment blanks are received from women who reside in election districts outside of a city or village having five thousand inhabitants or more, he shall immediately, upon receiving the same, enter the names, addresses and party affiliations of such women, as indicated by their declarations, in the enrollment books for the proper election districts, and assign to each woman an enrollment number, to be entered in the proper column and endorsed on her enrollment declaration. An error in the number of an election district, as inserted in the caption of an enrollment declaration so received, shall not prevent the enrollment of the woman who signs such declaration, if the custodian be satisfied that the error was inadvertent and if he can determine from her residence address the election district in which she is entitled to enroll; in which case she shall be enrolled in the enrollment books of the proper election district. If a declaration be received by mail after June fifteenth from a woman residing in an election district outside of a city or village having five thousand inhabitants or more, and it appears from the postmark that the same was mailed within the county on or before June fifteenth, her enrollment shall be entered. The enrollment for all election districts shall be completed by the custodian on or before July first. The custodian of primary records shall not make or allow to be made a copy of or a transcript or statement from the enrollment books

or any enrollment declaration between May fifteenth and June fifteenth, inclusive, of such year, nor disclose the number of women enrolled in any election district, town, ward, city or county under this chapter before June fifteenth.

The enrollment as thus completed or as changed pursuant to sections fourteen-a fourteen-b, nineteen-a or twenty, shall constitute the enrollment of the respective parties until a new enrollment takes effect under this chapter. This article shall not operate to qualify a woman to vote at an official primary, in any primary district, unless she is a resident of, and enrolled in, an election district comprising or included in such primary district at the time of the primary and for thirty days, next preceding the primary.】

【§ 584. Judicial review. A woman who offered in person to enroll in any election district in a city or village having five thousand inhabitants or more, under the provisions of this article, and whose enrollment was refused by the inspectors, or who, being a resident of an election district outside of such a city or village, mailed or delivered or caused to be mailed or delivered to the custodian of primary records an enrollment declaration as provided in this article, and whose enrollment was refused by such custodian, may have her name added to the enrollment books of the proper election district by the custodian of primary records, and be allowed to enroll with a party, by order of the supreme court at special term or a justice thereof in the judicial district, or county judge of the county, containing such election district, upon application on notice of at least five days to the custodian of primary records and upon satisfactory proof of her right to enroll. The court, justice or judge may examine witnesses or determine the matter on affidavits, in its or his discretion. Two or more women, residing in the same election district, may unite in one application. Such an order shall direct the time and manner in which any such women shall receive, mark or return to the custodian an enrollment blank.

A proceeding may be taken in the manner provided in section twenty-three to strike off the name of a woman enrolled either upon personal appearance before inspectors or by filing a declaration with the custodian of primary records without personal appearance. In such proceeding, the court or justice may grant the order for a ground specified in such section and also on the ground that, for any sufficient cause, she was not entitled to enroll.】

【§ 585. Transcripts from enrollment books; pamphlets. As soon as practicable after the completion of the enrollment provided for in this article the board of elections shall prepare and deliver to the chairman of the proper county committee of each party, and to the state superintendent of elections, a certified copy of so much of the enrollment books as will show the names, addresses and party affiliations of voters enrolled in such year under this article and section fourteen-b within the county or territory of such board, since the making of the copies provided for in section sixteen. In a city or county in which transcripts from enrollment books are required by section twenty-two to be published, and in any other county in which transcripts have been published pursuant to such section since the last preceding days of registration or general election, transcripts of the names and entries required by this section to be copied shall also be published in the month of July, in pamphlet form, by the board of elections, in the manner provided in section twenty-two.】

【§ 586. Notice. At least one week, and not more than two weeks, before the day of such personal enrollment in a city or village having five thousand inhabitants or more, the custodian of primary records shall publish once in two newspapers of the county, and of each borough, in his or its jurisdiction, a notice of such enrollment, stating the day and hours when the enrollment will take place and the fact that it is for the enrollment of women only, and containing a list of the enrollment places in the several election districts, indicating the election district by number without setting forth the boundaries, but referring the voter to the maps.】

【§ 587. Booths, boxes, materials for personal enrollment; expenses. Necessary booths and enrollment boxes, and places for such personal enrollment, shall be provided by the same authorities, and the expense thereof and of necessary blanks, articles, supplies, stationery and advertising and compensation of inspectors shall be borne and paid in the same manner as in the case of a registration of electors and enrollment on a day of registration. The inspectors, for their services on such day of the personal enrollment of women, shall each receive compensation, per diem, at the rate provided by or pursuant to law for services on a day of registration, except that in a city of over one million inhabitants each inspector shall receive seven dollars and fifty cents.】

【§ 588. Books and supplies for personal enrollment. The respective custodians of primary records shall provide the following, for use by inspectors of election at meetings for the personal enrollment of women under this article in each election district: In a city of over one million inhabitants, two registers of electors for the election district, including the signature copy; in any other city or village having five thousand inhabitants or more, one register of electors and the two original enrollment books; in a city of over one million inhabitants, necessary identification statements; in any election district where personal enrollment is provided for by this article, enrollment blanks equal in number to the number of male electors previously registered in the election district, and necessary blank declarations for inspectors, and any other blanks, articles, supplies, distance markers and stationery needed to enable the inspectors to discharge their duties. Delivery shall be made in the time and manner provided in this chapter for the delivery of similar books, blanks, declarations, statements, articles, supplies, markers and stationery for use at the registration of electors, as though such enrollment meeting were a first day of registration.】

【§ 589. Signatures to designating petitions. If the fall primary is to occur before the seventh Tuesday preceding the general election, by laws enacted in the year nineteen hundred and eighteen, a signature to a designating petition for the fall primary in such year made earlier than nine weeks before such primary shall be void and of no effect; but if bearing a date within such period it shall be counted in the first instance by the board or officer with which or whom the petition is offered for filing, subject to judicial review if objections be filed under section fifty-five-a of this chapter.】

【§ 590. Fall primary; hours. The fall primary in such year shall be held open, for voting thereat, from one o'clock in the afternoon until nine o'clock in the evening, in a city of over one million inhabitants, and elsewhere from seven o'clock in the forenoon until nine o'clock in the evening.】

【§ 591. Special provision as to registration for the general election in the year nineteen hundred and eighteen. In preparing the register, in an election district in which registration is not required to be personal, at either or both of the regular annual meetings for registration in October, nineteen hundred and eighteen, the inspectors shall place upon the register the names

of all women who voted in such district at a preceding special election, if any, except the names of such voters as are proven to the satisfaction of such inspectors to have ceased to be voters in such district since such special election. In placing on the register, at such meetings, in any such election district, the names of persons proven to the satisfaction of the inspectors to be then or thereafter entitled to vote at the next general election, as directed by sections one hundred and fifty-eight and one hundred and fifty-nine, and whose names are not copied as provided in such sections or in this section, or who are not registered upon personal appearance, the inspectors must consider and determine the qualifications of each woman enrolled under this article in the territory comprising the election district. For such purpose, the board of elections shall provide the inspectors with enrollment lists, either by furnishing an original enrollment book or books covering the territory of such election district, or transcripts therefrom, or pamphlets if any printed pursuant to this article. If transcripts be necessary in any case, they shall contain only the names and residence addresses. This section also applies to the registration of women voters residing outside of a city or village of five thousand inhabitants or more in an election district partly within and partly without such city or village.】

【§ 592. Duplication of entries in register for special election not necessary in certain districts. If a revision of the register be had after the days for personal enrollment provided for in this article, for the purpose of a special election, in an election district where the register constitutes also the enrollment book, the entries made in the register in connection with personal enrollment under this article, and the names of the women to whom they relate, need not be recopied by the inspectors in another line of the register, when a woman appears personally to register. Any such entry shall be completed or corrected, as the case may be. If she be duly registered, a line or lines shall be drawn through the words "for enrollment" and the words "registered" inserted above.】

【§ 593. Penalty for false certificates and declarations. A person who certifies, as provided in section five hundred and seventy-two, that a declaration was signed in his presence, if such certificate be false, shall be guilty of a misdemeanor; and the provisions of section one hundred and eighty-four relating to false and misleading enrollment blanks, and to inducing or

attempting to induce the signing thereof, shall apply to enrollment declarations provided for in section five hundred and seventy-two.】

【§ 594. Copy of this article to be distributed. The secretary of state, as soon as practicable, shall cause copies of this article to be printed and distributed among boards of elections, in quantities sufficient to supply each member of any such board and each inspector of election with one copy. The boards of elections shall immediately thereafter distribute such copies among such inspectors.】

(No. 6.)

AN ACT to amend the agricultural law, in relation to sale of eggs.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter nine of the laws of nineteen hundred and nine, entitled “An act in relation to agriculture, constituting chapter one of the consolidated laws,” is hereby amended by adding thereto a new article, to be article eight-a, to read as follows:

ARTICLE 8-A.

SALE OF EGGS

Section 210. Shipment of eggs unfit for food.

211. Eggs to be tested by candling.

212. Candling certificate.

213. Definitions.

214. Powers of department of farms and markets.

Section 210. Shipment of eggs unfit for food. No person, firm or corporation buying eggs within the state for the purpose of shipping, sending or transporting the same to any city for consumption or resale shall so ship, send or transport any egg or eggs unfit for human food, unless the same shall have been broken from the shell and denatured so that they cannot be used for human food.

§ 211. Eggs to be tested by candling. During the period from May first to December first of each year no person, firm or corporation buying eggs for the purpose of shipping, sending or transporting the same to any city for consumption or resale shall so ship, send or transport any egg or eggs unless the same shall have

first been tested by candling and be accompanied by a candling certificate as hereinafter provided.

§ 212. Candling certificate. Every person, firm or corporation when required by section two hundred and eleven of this article to candle eggs shall keep such candling records as may be required by rules and regulations of the department of farms and markets. All such records shall be open at all reasonable times for examination by the officers, agents and inspectors of the department of farms and markets. Each case or package of candled eggs shipped, sent or transported to any city shall contain a candling certificate which shall be placed on the top layer of eggs in said case or package. Such candling certificate shall be of a form to be designated by the council of farms and markets and shall contain the name and address of the person, firm or corporation for whom or which the eggs were candled.

§ 213. Definitions. For the purpose of this act an egg shall be deemed unfit for human food if it be addled, a black rot, a white rot; or if it has a blood ring, an adherent yolk, or a bloody or green white; or if any blood can be discerned in the contents; or if it contains mold spots; or if it contains a live or dead embryo chick; or if it consists in whole or in part of a filthy, decomposed or putrid substance; all as determined either by candling or by breaking the egg.

The term "candling" as used in this article shall be construed to mean the careful examination of the whole egg in a suitably dark room or place by means of a strong light, the apparatus and methods to be such as shall be approved by the council of farms and markets or the commissioner in charge of the enforcement of this article.

§ 214. Powers of department of farms and markets. The department of farms and markets shall have power and authority to enforce the provisions of this article, and the council of farms and markets may make suitable rules and regulations for carrying out its provisions.

§ 2. This act shall take effect immediately.

(No. 7.)

AN ACT to amend the education law, in relation to the salaries of members of the supervising and teaching staff in the cities of the state, apportionment of school moneys to cities and school districts, and making an appropriation therefor.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article thirty-three-b of chapter twenty-one of the laws of nineteen hundred and nine, entitled "An act relating to education, constituting chapter sixteen of the consolidated laws," as amended by chapter one hundred and forty of the laws of nineteen hundred and ten, such article having been added by chapter six hundred and forty-five of the laws of nineteen hundred and nineteen, is hereby amended to read as follows:

ARTICLE 33-B.

SALARIES OF THE MEMBERS OF THE SUPERVISING AND TEACHING STAFF IN CITY SCHOOLS.

Section 882. Powers of boards of education as to salaries.

883-a. Salaries *under the jurisdiction of the board of education* in cities of the first class having a population of one million or over.

883-b. Salaries *under the jurisdiction of the board of trustees or other appropriate officers.*

884. Salaries in cities of the first class having a population of less than one million.

885. Salaries in cities of the second class.

886. Salaries in cities of the third class.

886-a. Salaries and contracts for compensation of teachers in union free school districts employing more than ten teachers.

886-b. Salaries and contracts for compensation of teachers in other union free and common school districts.

887. Boards to fix salaries.

888. Salaries and increments.

889. Schedule to be filed.

§ 882. Powers of board of education [as to] to fix salaries. The board of education of each city of the state shall adopt by-laws fixing the salaries of the superintendent of schools, associate,

district or other superintendents, members of the board of examiners, if any, directors, inspectors, supervisors, principals, teachers, lecturers, special instructors, and of all other members of the supervising and the teaching staff. Such by-laws shall establish uniform schedules of salaries for all members of the supervising and teaching staff in each city. *The schedules adopted by the board of education of each city shall not discriminate between the salaries and salary increments of members of the supervising and teaching staff because of the sex of said members notwithstanding any provision of the charter of such city inconsistent herewith.* The salaries and salary increments so fixed for principals and teachers by the by-laws of the board of education of each city and union free and common school districts, on and after January first, nineteen hundred and [twenty] *twenty-one*, shall be not less than those prescribed in the following sections of this article.

§ 883-a. Salaries in cities of the first class having a population of one million or over. The schedules adopted by the board of education, in a city of one million inhabitants or more, shall not discriminate between the salaries and salary increments of members of the teaching staff in such schools because of the sex of said members notwithstanding any provision of the charter of such city inconsistent herewith. Such salaries and increments shall be not less than those prescribed in the following schedules:

A. ELEMENTARY SCHOOLS.

Schedule A-1. All teachers of kindergarten to six-b classes: First year, not less than [one thousand and five dollars; annual increment, not less than one hundred and five dollars; number of annual increments, not less than eleven] *one thousand six hundred dollars; annual increment, not less than one hundred and forty dollars; number of annual increments not less than ten.*

Schedule A-2. [All teachers of seven-a to nine-b classes: First year, not less than one thousand three hundred and fifty dollars; annual increment, not less than one hundred and fifty dollars; number of annual increments, not less than nine] *All regular and special teachers and teachers holding a supervisory license in the seven-a and higher classes, except teachers of classes above the eight-b class holding a high school teacher's license, all teachers of vocational and trade subjects in elementary schools, all teachers in parental, truant and probationary schools, and all teachers of ungraded classes: First year, not less than two thousand one hun*

dred dollars; annual increment not less than one hundred and seventy-five dollars; number of annual increments not less than eight.

Schedule A-3. **【**All teachers of special subjects in the day elementary schools and all teachers teaching classes, in such schools, for which a special license is required; same as schedule a-two.**】** *All teachers of classes of anaemic, tubercular, crippled, blind, cardiac or deaf children; all teachers of classes for sight or speech improvement and visiting teachers: First year, not less than one thousand eight hundred dollars; annual increment, not less than one hundred and seventy dollars, number of annual increments not less than ten.*

Schedule A-4. Assistants to principal (heads of departments): First year, not less than **【**two thousand eight hundred dollars; annual increment, not less than one hundred dollars; number of annual increments, not less than two**】** *three thousand five hundred dollars; annual increment not less than two hundred dollars; number of annual increments not less than two.*

Schedule A-5. Principals of day elementary schools, and heads of model schools; principals of schools for the deaf, for the crippled; principals of continuation, prevocational, parental, or probationary schools; principals of intermediate (junior high) schools: **【**First year, three thousand dollars; annual increment, two hundred and fifty dollars; number of increments, four.**】** *First year, not less than four thousand two hundred and fifty dollars; annual increment, not less than three hundred and seventy-five dollars; number of annual increments, not less than two.*

Schedule A-6. Elementary teacher-clerks, clerical assistants and additional teacher-clerks: same as schedule B-3.

B. HIGH SCHOOLS AND TRAINING SCHOOLS.

Schedule B-1. Assistant teachers, including teachers of cooking, sewing and physical training, model teachers and critic teachers, *teachers of classes above the eight-b class in intermediate (junior high) schools holding an assistant teachers license, and library assistants:* First year, **【**one thousand three hundred and fifty**】** *not less than two thousand one hundred dollars; annual increment, not less than one hundred and **【**fifty**】** ninety dollars; number of annual increments, **【**twelve**】** not less than ten.*

Schedule B-2. First assistants: first year, **【**two thousand six hundred and fifty**】** *not less than three thousand seven hundred*

and fifty dollars; annual increment, *not less than two hundred and fifty dollars*; number of annual increments, [five] *not less than three*.

Schedule B-3. Clerical, laboratory, [library,] and placement and investigation assistants: First year, *not less than one thousand five hundred dollars*; annual increment, *not less than one hundred dollars*; number of annual increments, *not less than ten*.

Schedule B-4. Principals of training and high schools having twenty-five or more classes: First year, *not less than five thousand dollars*; annual increment, [two hundred and fifty] *not less than five hundred dollars*; number of annual increments, *not less than two*.

C. VOCATIONAL AND TRADE SCHOOLS.

Schedule C-1. Teachers of vocational and trade subjects, and teachers holding the license of assistant teacher in high school: same as Schedule B-1.

Schedule C-2. Principals of vocational and trade schools, same as Schedule A-5.

883-b. *In a city having a population of over one million the board of trustees, officers or bodies having appropriate jurisdiction shall adopt schedules and schedule conditions to become effective on and after the first day of January, nineteen hundred and twenty-one, fixing the compensation or salaries of all members of the teaching and supervising staff employed in a high school or in a model school in said city, in which high school or model school the compensation or salaries of said persons are paid directly or indirectly out of moneys appropriated by the board of estimate and apportionment or like financial authority in said city, and in which the course of study is established by the board of education of said city or by the board of regents of the state of New York, and which is maintained in every respect as a public high school or model school. Such schedule shall provide for compensation, salaries and salary increments which shall be not less than those fixed and provided for in this act for like services in high and model schools under the jurisdiction of the board of education.*

§ 884. Salaries in cities of the first class having a population of less than one million. The salaries and salary increments of members of the supervising and teaching staff in cities of the first class having a population, according to the federal census of nine-

teen hundred and ten, or of the last succeeding federal census, of less than one million shall be not less than those prescribed in the following schedules:

A. ELEMENTARY SCHOOLS.

Schedule A-1. Teachers of kindergarten and first to eighth year classes, and special teachers: First year, [eight hundred] not less than one thousand two hundred and fifty dollars; annual increment, not less than one hundred dollars; number of annual increments, not less than eight.

Schedule A-2. Head of department: First year, not less than one thousand six hundred dollars; annual increment, not less than one hundred and twenty-five dollars; number of annual increments, not less than eight.

Schedule A-3. Principals of elementary schools of less than twelve classes; first year, not less than two thousand four hundred and fifty dollars; annual increment, not less than two hundred dollars; number of annual increments, not less than three.

Schedule A-4. Principals of elementary schools of twelve to thirty classes inclusive: First year, not less than two thousand four hundred and fifty dollars; annual increment, not less than two hundred dollars; number of annual increments, not less than six.

Schedule A-5. Principals of elementary schools of thirty-one or more classes: First year, not less than two thousand four hundred and fifty dollars; annual increment, not less than two hundred dollars; number of annual increments, not less than seven.

B. HIGH SCHOOLS.

Schedule B-1. Teachers of junior high and high schools: First year, [one thousand two hundred] not less than one thousand eight hundred and fifty dollars; annual increment, not less than one hundred and twenty-five dollars; number of annual increments, not less than eight.

Schedule B-2. Principals of junior high schools: First year, not less than three thousand four hundred and fifty dollars; annual increment, not less than two hundred dollars; number of annual increments, not less than four.

Schedule B-3. Head of department: First year, not less than two thousand five hundred dollars; annual increment, not less than one hundred and fifty dollars; number of annual increments, not less than six.

Schedule B-4. High school principals: First year, not less than three thousand six hundred and fifty dollars; annual increment, not less than two hundred and seventy dollars; number of annual increments, not less than five.

§ 885. Salaries in cities of the second class. The salaries and salary increments of members of the supervising and teaching staff in cities of the second class shall be not less than those prescribed in the following schedules:

A. ELEMENTARY SCHOOLS.

Schedule A-1. Teachers of kindergarten and first to eighth year classes and special teachers: First year, [eight] not less than one thousand two hundred dollars; annual increment, not less than seventy-five dollars; number of annual increments, not less than eight.

Schedule A-2. Principals of elementary schools of less than eight grades or of less than eighteen classes: First year, not less than one thousand eight hundred dollars; annual increment, not less than one hundred and twenty-five dollars; number of annual increments, not less than eight.

Schedule A-3. Principals of elementary schools having eight grades or having eighteen or more classes: First year, not less than two thousand four hundred dollars; annual increment, not less than one hundred and twenty-five dollars; number of annual increments, not less than eight.

P. HIGH SCHOOLS.

Schedule B-1. Teachers of junior high schools: First year, not less than one thousand five hundred dollars; annual increment, not less than seventy-five dollars; number of annual increments, not less than eight.

Schedule B-2. Principals of junior high schools: First year, not less than two thousand five hundred dollars; annual increment, not less than two hundred dollars; number of annual increments, not less than five.

Schedule B-3. High school teachers: First year, not less than one thousand six hundred dollars; annual increment, not less than one hundred dollars; number of annual increments, not less than eight.

Schedule B-4. Heads of departments: First year, not less than two thousand one hundred dollars; annual increment, not less

than one hundred and fifty dollars; number of annual increments, not less than six.

Schedule B-5. High school principals: First year, not less than three thousand four hundred dollars; annual increment, not less than two hundred dollars; number of annual increments, not less than five.

§ 886. Salaries in cities of the third class. The salaries and salary increments of members of the supervising and teaching staff in cities of the third class shall be not less than those prescribed in the following schedules:

A. ELEMENTARY SCHOOLS.

Schedule A-1. Teachers of kindergarten and first to eighth year classes and special teachers: First year, [seven hundred and twenty] not less than one thousand dollars; annual increment, not less than seventy-five dollars; number of annual increments, not less than eight.

Schedule A-2. Principals of elementary schools of less than ten classes below the seventh grades: First year, not less than one thousand six hundred dollars; annual increment, not less than seventy-five dollars; number of annual increments, not less than eight.

Schedule A-3. Principals of elementary schools having ten or more classes or of schools having classes above the sixth grade: First year, not less than one thousand eight hundred dollars; annual increment, not less than one hundred and twenty-five dollars; number of annual increments, not less than eight.

B. HIGH SCHOOLS.

Schedule B-1. Teachers of junior high and high schools: First year, [eight hundred and forty] not less than one thousand five hundred dollars; annual increment, not less than one hundred dollars; number of annual increments, not less than eight.

Schedule B-2. Heads of department or vice-principals: First year, not less than one thousand seven hundred dollars; annual increment, not less than one hundred dollars; number of annual increments, not less than eight.

Schedule B-3. Principals of junior high and high schools: First year, not less than two thousand five hundred dollars; annual increment, not less than two hundred dollars; number of annual increments, not less than five.

§ 886-a. *Salaries and contracts for compensation of teachers in union free school districts employing more than ten teachers. The salaries and salary increments or contracts for compensation of members of the supervising and teaching staff in union free school districts employing more than ten teachers or having an academic or high school department approved by the commissioner of education, shall not be or provide for not less than those prescribed in the following schedules:*

A. ELEMENTARY SCHOOLS.

Schedule A-1. Teachers of kindergarten and first to eighth year classes, and teachers of special subjects: First year, not less than one thousand dollars; annual increment, not less than seventy-five dollars; number of annual increments, not less than eight.

B. HIGH SCHOOLS.

Schedule B-1. Teachers: First year, not less than one thousand two hundred dollars; annual increment, not less than one hundred dollars; number of annual increments, not less than six.

Schedule B-2. Principals of high schools: First year, not less than one thousand eight hundred dollars; annual increment, not less than one hundred dollars; number of annual increments, not less than six.

§ 886-b. *Teachers and supervisors in union free and common school districts, not otherwise provided for in this act, shall receive a salary of or a contract containing provision for not less than at the rate of eight hundred dollars per annum, for a school year of forty weeks, except that the salary schedules or contracts for teachers and supervisors of classes in a union free school district when such classes are established within the boundaries of a city, shall be the salary schedules or contract amounts, as provided for in this act, for such city in which such classes are established.*

§ 887. The board of education in each city of the state shall fix the salaries and annual salary increments of all members of the supervising and teaching staffs and of all principals, teachers, supervisors or other employees, whose salaries are not fixed by the provisions of this act. The board of education in each city may also, in its discretion, increase the minimum salaries and salary increments of any members of the supervising and teaching

staffs or other employees, whose salaries are not fixed by the provisions of this act.

§ 888. Salaries and increments. 1. A member of the supervising and the teaching staff in such schools serving under a schedule which provides for annual increments shall receive for any given year of service the salary and the increment provided in said schedule for the year which corresponds to his year of service【, unless his services for the year immediately preceding have been declared by a majority vote of the board of education or board of superintendents of a city, to be unsatisfactory, after opportunity to be heard】.

2. The salary, including the annual increment, to which a present member of such teaching staff shall be entitled under any salary schedule existing on the date of the passage of this act, shall not be reduced by reason of the operation of the schedules of salaries set forth in this article, or by reason of any other provision contained in this article.

Notwithstanding any other provision of this article boards of education in cities located in a county having a population of over four hundred thousand and adjoining a city having a population of one million or more shall fix the minimum salaries 【and not less than eight annual increments】 of the supervising and teaching staff in said cities and file the same with the commissioner of education as provided in this act. The minimum salaries so fixed shall not be less than those paid in said cities at the time of the passage of this act, *nor shall the minimum salaries, annual increments and number of annual increments be less than those provided in this act for cities located outside of such county and corresponding in classification to cities located in such county.*

3. The schedule of salaries provided for in this act shall take effect and become operative 【as follows:】 *in all cities on the first day of January, nineteen hundred and twenty-one, and in all other school districts on the first day of August, nineteen hundred and twenty. All contracts with teachers in the union free and common school districts for the school year beginning August first, nineteen hundred and twenty, shall conform to the schedule requirements provided for in this article.*

【a. In all cities having a population of less than one million, on the first day of January, nineteen hundred and twenty.

b. In a city having a population of one million or more, the board of education shall pay to each member of such supervising and teaching staff, for the calendar year nineteen hundred and

twenty, a salary which shall be not less than the salary which said member was receiving on the thirty-first day of December, nineteen hundred and nineteen, and in addition thereto one-third of the difference between such salary and the salary to which said member is entitled for the salary year under the schedules and schedule conditions made in conformity with the provisions of this article, and for the calendar year of nineteen hundred and twenty-one, the board of education shall pay to each member of such teaching and supervising staff a salary which shall be not less than the salary under which such member was receiving on the thirty-first day of December, nineteen hundred and nineteen, and in addition thereto two-thirds of the difference between such salary and the salary to which said member is entitled for the salary year under the schedules and schedule conditions made in conformity with the provisions of this article, and beginning with the calendar year of nineteen hundred and twenty-two, and for each year thereafter, the board of education shall pay to each member of the supervising and teaching staff, a salary which shall be not less than the salary to which such member is entitled under the schedules and schedule conditions made in conformity with the provisions of this act.】

§ 889. Schedules to be filed. A copy of the schedules and schedule conditions approved by the board of education of each city together with a copy of such changes in schedules and schedule conditions as are made in conformity with this article, certified by the secretary of the board, shall, within thirty days after the adoption thereof, be filed in the office of the state commissioner of education.

§ 2. Section four hundred and ninety-one-a of such chapter is hereby amended to read as follows:

§ 491-a. Additional apportionment of school moneys. In addition to any other apportionment or quota provided for in this article, to be applied to the payment of teachers' salaries, the commissioner of education shall apportion and pay annually to each city school district and to each common or union free school district, [for] *from* moneys appropriated for the support of common schools, [one hundred dollars] for each teacher employed *in accordance with reports submitted to the commissioner of education for the preceding school year* in the school or schools of such district who shall have taught during the period required by law *as follows: five hundred dollars in cities containing a population of one million or more; four hundred*

and forty-five dollars in cities of the first class, except as hereinbefore provided; three hundred and eighty dollars in cities of the second class; three hundred and fifteen dollars in cities of the third class; two hundred and fifty dollars to union free and common school districts. [The trustees or board of education in each school district, except a city school district, shall increase the salary of each teacher employed in such district at least one hundred dollars in advance of the salary paid the teacher employed at the time of the passage of this act. Such increased salary shall become effective for the school year beginning August first, nineteen hundred and nineteen, and continue annually thereafter.]

§ 3. The sum of nineteen million eight hundred and fifty thousand dollars (\$19,850,000), or so much thereof as may be necessary, is hereby appropriated to the commissioner of education for carrying out the provisions of section four hundred and ninety-one-a of the education law, as added by this act, in addition to any other moneys appropriated for the support of common schools.

§ 4. All acts and parts of acts, general or special, inconsistent with the provisions of this act, are hereby repealed.

§ 5. This act shall take effect immediately.

(No. 8.)

AN ACT to amend the agricultural law, in relation to the sale and analysis of concentrated commercial feeding stuffs.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article seven of chapter nine of the laws of nineteen hundred and nine, entitled "An act in relation to agriculture, constituting chapter one of the consolidated laws," is hereby repealed and a new article, to be article seven, is hereby added, to read as follows:

ARTICLE 7.

Section 160. Term "concentrated commercial feeding stuffs" defined.

161. Term "roughages" defined.

162. Prohibiting sale of certain compounded feeds.

163. Statements to be attached to packages; contents; analysis.

Section 164. Statements to be filed with commissioner; to be accompanied by sample and affidavit when requested.

165. License fee.

166. Commissioner to take samples for analysis.

§ 160. Term "concentrated commercial feeding stuffs" defined. The term "concentrated commercial feeding stuffs" as used in this article, shall apply to no materials other than those known as concentrates, and shall include linseed meals, cottonseed meals, pea meals, bean meals, peanut meals, cocoanut meals, gluten meals, velvet bean meals, soya bean meals, dried yeast grains, dried vinegar grains, corn germ meal, feeding molasses, gluten feeds, cotton seed feeds, maize feeds, velvet bean feeds, peanut feeds, dried distillers' grains, dried brewer's grains, malt sprouts, except as hereinafter provided, hominy feeds, rice meals, corn and oat chops, corn feed meal, corn bran, corn and cob meal, wheat bran, wheat middlings, wheat feed, rye feed, rye middlings, buckwheat middlings and buckwheat feed, ground beef or fish scraps, meat meals, meat and bone meals mixed, dried blood, mixed feeds, compounded feeds, condimental stock and poultry feeds, proprietary or trade-marked stock and poultry feeds, and all other materials of a similar nature; but shall not include the materials defined in this article as roughages, the whole seeds nor the unmixed meals, made directly from the entire grains of wheat, rye, barley, oats, corn, buckwheat and broom corn, nor malt sprouts, when sold as such by the maltster at retail, nor ground or cracked bone not mixed with any other substance, nor shall it include poultry feeds consisting of whole or whole and cracked grains mixed together, with or without grit, oyster shells or charcoal, when all the ingredients may be identified by the naked eye.

§ 161. Term "roughages" defined. The term "roughages," as used in this article, shall include dried and ground hays and straws, dried and ground corn stalks or other parts of the corn plant not included in the grain, dried beet pulp, oat hulls, barley hulls, clipped oat by-product, sorghum plant by-products and flax plant by-products, cottonseed hulls, buckwheat hulls, cocoa shells, grain screenings or other materials of a similar character. This shall not include whole ground grains not mixed with any other substance.

§ 162. Prohibiting sale of certain compounded feeds. No person shall sell, offer or expose for sale any concentrated commercial feeding stuffs containing peanut shells, peanut hulls, rice hulls, rice chaff, rice straw, humus, peat, sphagnum moss, coffee hulls, chaff, sawdust, sand, ground corn cobs except in corn and cob meal unmixed with other materials, or ground cocoanut shells, or any substances injurious to the health of animals or having no feeding value; nor shall any person sell, offer or expose for sale any poultry feeds containing in excess of five per centum in the aggregate of gravel, grit, oyster shells and charcoal, nor more than five per centum in the aggregate of any two or more of them; nor shall any person sell, offer or expose for sale any concentrated commercial feeding stuffs, containing cockle seed, mustard seed or other noxious or poisonous weed seeds the viability of which has not been destroyed, but the council of farms and markets shall have power to permit a uniform and reasonable tolerance in the amount of such seeds.

§ 163. Statements to be attached to packages; contents; analysis. No manufacturer, firm, association, corporation or person shall sell, offer or expose for sale or for distribution in this state, any concentrated commercial feeding stuffs used for feeding live stock unless such concentrated commercial feeding stuffs shall be accompanied by or shall have affixed to each and every package in a conspicuous place on the outside thereof and near the top, a tag, the form of which shall be prescribed by the commissioner and which shall bear a plainly printed statement which shall certify as follows:

1. The net weight of the contents of the package, except in the case of malt sprouts sold in packages containing uneven weights.
2. The name, brand or trademark.
3. The name and principal address of the manufacturer or person responsible for the placing of the commodity upon the market.
4. Its composition expressed in the following terms:
 - a. The minimum per centum of crude protein.
 - b. The minimum per centum of crude fat.

(No. 9.)

AN ACT to amend the agricultural law, in relation to bees.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three hundred of chapter nine of the laws of nineteen hundred and nine, entitled "An act in relation to agriculture, constituting chapter one of the consolidated laws," is hereby amended to read as follows:

§ 300. The prevention of disease among bees. *Each owner of bees shall on or before June first in each year register with the county clerk of the county in which such bees are owned or kept; first, the number of colonies of such bees so owned or kept; second, the place where such bees are kept; third, the name of the person or persons under whose care or control such bees are kept. The county clerk shall keep a correct record of all such reports so made by such bee owners, which record shall be open to inspection and examination by any citizen of the state. The owner of such bees, or person registering same, shall pay to the county clerk for such registration the sum of fifty cents. No person shall keep in his apiary any colony of bees affected with a contagious malady known as [foul brood or black brood] European or American foul brood; and every beekeeper when he becomes aware of the existence of either of such diseases among his bees, shall immediately notify the commissioner of agriculture of the existence of such disease.*

§ 2. Such chapter is hereby amended by inserting therein a new section to be section three hundred-a to read as follows:

§ 300-a. *Transportation of bees regulated. No person shall remove or transport bees or colonies of bees that are suffering with the disease known as European or American foul brood from the place where kept to any point within the state of New York, provided, however, that this shall not prevent the removing of diseased colonies of bees from bees not so diseased to some point of segregation and safety. The removal of diseased bees from the colonies that are not so diseased to some other place for treatment shall only be done under a written permission from the commissioner of agriculture to so remove for such purpose. No person or corporation shall remove bees which are under quarantine to another locality without obtaining permission in writing from the commissioner of agriculture so to do. No person or*

transportation company shall receive any bees for transportation from a point within this state to any other point therein unless said bees are accompanied by a certificate signed by an authorized inspector of the department of farms and markets stating that such bees are in good healthy condition. Any transportation company receiving a shipment of bees from without the state unaccompanied by a certificate issued by duly authorized apiaries showing freedom from disease shall notify the commissioner of agriculture of the receipt of such shipment of bees, the name of the consignor and consignee, place of shipment and point of destination within this state and hold such shipment until inspected and released by the commissioner of agriculture. In case contagious disease is found within the shipment, such shipment shall be returned to the consignor or delivered to a duly authorized representative of the department of farms and markets of this state for treatment or destruction.

§ 3. Section three hundred and three of such chapter is hereby amended to read as follows:

§ 303. Duties of the commissioner. The commissioner of agriculture shall immediately upon receiving notice of the existence of [foul brood or black brood] *European or American foul brood* among the bees in any locality, send some competent person or persons to examine the apiary or apiaries reported to him as being affected, and all the other apiaries in the immediate locality of the apiary or apiaries so reported; if [foul brood or black brood] *European or American foul brood* is found to exist in them, the person or persons so sent by the commissioner of agriculture shall give the owners or caretakers of the diseased apiary or apiaries full instructions how to treat said cases. The commissioner of agriculture shall cause said apiary or apiaries to be visited from time to time as he may deem best and if, after proper treatment, the said bees shall not be cured of the diseases known as [foul brood or black brood] *European or American foul brood* then he may cause the same to be destroyed in such manner as may be necessary to prevent the spread of the said diseases. For the purpose of enforcing this article, the commissioner of agriculture, his agents, employees, appointees or counsel, shall have access, ingress and egress to all places where bees or honey or appliances used in apiaries may be, which it is believed are in any way affected with the said disease of [foul brood or black brood] *European or American foul brood* or where it is believed

any commodity is offered or exposed for sale in violation of the provisions of this article. No owner or caretaker of a diseased apiary, honey or appliances shall sell, barter or give away any bees, honey or appliances from said diseased apiary, which shall expose other bees to the danger of said diseases, nor refuse to allow the said commissioner of agriculture, or the person or persons appointed by him to inspect said apiary, honey or appliances, and do such things as the said commissioner of agriculture or the person or persons appointed by him shall deem necessary for the eradication of said diseases. [Any person who disregards or violates any of the provisions of this section is guilty of a misdemeanor and shall be punished by a fine of not less than thirty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than one month nor more than two months, or by both fine and imprisonment.]

§ 4. Such chapter is hereby amended by inserting therein a new section to be section three hundred and three-a to read as follows:

§ 303-a. *Penalties.* Any person who disregards or violates any of the provisions of sections three hundred-a, three hundred and one, three hundred and two or three hundred and three of this chapter shall forfeit and pay to the people of the state of New York a penalty of not less than ten dollars nor more than one hundred dollars.

§ 5. This act shall take effect immediately.

(No. 10.)

AN ACT to amend the agricultural law, in relation to adulterated apples.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions second, fourth and fifth of section two hundred and sixty-two of chapter nine of the laws of nineteen hundred and nine, entitled "An act in relation to agriculture, constituting chapter one of the consolidated laws," as last amended by chapter three hundred and forty-five of the laws of nineteen hundred and seventeen, are hereby amended to read, respectively, as follows:

Second: "New York standard A grade" shall consist of apples of one variety which are well grown specimens, hand-picked,

properly packed, normal shape, [practically] free from dirt, diseases, insect and fungus injury, bruises and other defects except such as are necessarily caused in the operation of packing; or apples of one variety which are not more than ten per centum below the foregoing specifications on a combination of all defects or five per centum on any single defect. No apples in this grade shall show less than thirty-three and one-third per centum of good color for the variety.

Fourth: "New York standard C grade" shall consist of apples of one variety which are well matured, hand-picked, properly packed, practically normal shape, and [the press end and the apples directly under the first layer of facing apples shall be an average of the entire barrel or package.] *the apples constituting the face end shall be an average of the apples contained in the package.* Such apples must comply with the markings of the barrel which shall include the variety, packer's name and address, the minimum size and the words "New York standard C grade."

Fifth: "Unclassified." Apples not conforming to the foregoing specifications of grade, or, if conforming, are not branded in accordance therewith, shall be classed as "unclassified" and so branded. The minimum size of the fruit in the package shall also be branded upon it as hereinafter specified and in addition to the other marks hereinafter required[.], *and the apples constituting the face end shall be an average of the apples contained in the package.*

§ 2. This act shall take effect August first, nineteen hundred and twenty.

(No. 11)

Assembly bill, Introductory No. 1026, Print No. 1142, introduced by Mr. Martin amended as follows:

On page 1 strike out, commencing with line 1, section 1, all of page 1.

Strike out all of page 2.

Strike out all of page 3.

Strike out all of page 4.

Strike out all of page 5.

And insert in place thereof the following:

Section 1. Chapter fifty-nine of the consolidated laws, being chapter sixty-one of the laws of nineteen hundred and nine, known

as the stock corporation law, is hereby amended by adding after section sixteen a new section to be known as section sixteen-a, to read as follows:

§ 16-a. *Separation of powers of stock corporation.* Any domestic stock corporation having powers to engage in more than one kind of business may with the consent of the holders of two-thirds of its stock, upon making and filing a certificate as herein authorized that it is for the best interests of the corporation that its powers be exercised by two or more corporations, be divested of the powers authorized to corporations organized under the general laws specified in the certificate, which shall thereafter be exercised by a new corporation or corporations. The certificate shall, with respect to the corporation filing the certificate, state:

1. The present corporate title;
2. The law under which the corporation was organized, by chapter, number and article, if any, and the year of its passage; and if it has merged or been merged with any corporation or corporations, the law under which such other corporation or corporations were organized, the name or names thereof and the laws under which such corporations were organized, by chapter, number and article, if any, and the year of their passage;
3. The date upon which and the public office or offices in which its certificate of incorporation was filed;
4. The location of its principal office;
5. The amount and description of its capital stock and the number of its shares issued and outstanding;

In addition thereto the certificate shall state, with respect to such new corporation or corporations and subject to the limitations imposed by section six of the general corporation law, the name or names by which such corporation or corporations shall be known and shall contain all of the statements to be contained in a certificate of incorporation or organization of a corporation organized to exercise the powers of which the corporation filing the certificate proposes to divest itself. It may also provide for the division of the assets of the corporation filing the certificate with the new corporation, the number of shares of the new corporation which shall be issued therefor and that the same may be held by the corporation filing the certificate, unless prohibited by the general law for the incorporation of companies exercising the powers of which it shall not have been divested, and if the

capital stock of the corporation filing the certificate is to be reduced, a statement that the amount of its debts and liabilities does not exceed the reduced capital as proposed, unless such corporation is an insurance corporation, in which case the certificate shall state that the amount of its debts and liabilities does not exceed the amount of its reduced capital and other assets after the division thereof with the new corporation. The certificate shall provide the manner in which any relations, obligations or duties theretofore arising under the exercise of its powers shall thereafter be located and dealt with. Such certificate shall be signed and acknowledged by the president or a vice-president and the secretary or treasurer of the corporation, who shall make and annex an affidavit stating that they have been authorized and directed to execute and file the certificate by the votes, cast in person or by proxy, of the holders of record of two-thirds or more of each class of the outstanding shares of stock, irrespective of any provision of the certificate of incorporation purporting to deny voting powers to the holders of any class of stock, at a meeting called and held upon written notice mailed to each stockholder at least two weeks before the date set for the meeting and published once a week for at least two successive weeks in a newspaper published and circulating in the county wherein the principal office of the corporation is located; and that such notice did expressly state the purpose of the meeting to be to separate the powers of the corporation as provided in this section.

Such certificate shall, if either the corporation filing the certificate or the new corporation is a corporation other than a railroad or monied corporation, have endorsed thereon the approval of the comptroller to the effect that the amount of capital with which such corporation is to continue or begin business is sufficient for the proper purposes of such corporation and not above the maximum or below the minimum, if any, prescribed by the general law governing corporations formed for similar purposes; and if either of them shall be subject to the supervision of any state department having supervisory power over corporations, shall also have endorsed thereon the like approval of the head of such department or departments. If such certificate shall be approved, as herein provided, it shall be filed and recorded in the office of the department in which the original certificate of incorporation was filed and certified copies thereof in the office

of any departments having supervision either of the corporation filing the certificate or of the new corporation and also in the office of the clerks of the counties in which are located their principal places of business. Upon the filing of said certificate as aforesaid and upon the payment by the new corporation of the organization tax to be paid by corporations organized for similar purposes, the rights, franchises, interests, and property of the corporation filing the certificate, real, personal and mixed, and things in action thereunto belonging, and relations of trust or otherwise, of which it shall be divested as provided in the said certificate, shall be deemed to be transferred to and vested in the new corporation as provided in said certificate, and without any other deed or transfer the new corporation shall hold and enjoy the same and all rights, franchises, interests, property and relations as provided in said certificate and shall possess the powers as provided in said certificate, and thereafter the corporation filing the certificate and the new corporation shall be subject only to the supervision of that department of the state government which has supervision over corporations with such powers and to taxation in the same manner as though said corporations had been originally organized with the powers, rights and franchises resulting from proceedings taken under this section. The rights of creditors of the corporation filing the certificate shall not in any manner be impaired by reason thereof nor shall any liability or obligation for the payment of money due or to become due or any guaranty for any claim, guaranty or demand in any manner for any cause existing against such corporation or any stockholder thereof be in any manner released or impaired and all the rights, obligations and relations of all the parties shall remain unimpaired and both the corporation filing the certificate and the new corporation shall succeed to such relations, obligations and liabilities in the manner provided in the said certificate and the assets of all shall be liable in any action or proceeding against the corporation filing the certificate for the discharge and payment of all debts and liabilities existing at the time of the filing of the certificate and the stockholders of the corporation filing the certificate shall continue subject to all liabilities, claims and demands existing against them as such and no suit, action or other proceeding then pending before any court or tribunal against the corporation filing the certificate or to which it is a party shall be deemed to have abated

or been discontinued by reason of any proceedings pursuant to this section, but the same may be prosecuted to final judgment in the same manner as if the said certificate had not been filed and the assets of all of the resulting corporations shall be liable to pay and discharge any judgment in any suit, action or proceeding. No proceeding taken under this section shall be deemed to work a dissolution of the corporation filing the certificate or to interrupt in any way the continuity of existence of such corporation. Said corporations shall thereafter exist in the same manner as though they had been originally organized only with the powers resulting from the proceedings taken hereunder.

§ 2. This act shall take effect immediately.

(No. 12)

AN ACT to amend chapter twenty-five of the laws of eighteen hundred and ninety-five, entitled "An act to provide for the better administration of justice in the town of Whitehall, in the county of Washington and state of New York," in relation to the police department.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirteen of said act as amended by section three of chapter eight hundred and forty-six of the laws of eighteen hundred and ninety-six is hereby amended to read as follows:

§ 13. The town board of the town of Whitehall shall have the power, and they are hereby required annually to appoint not less than three nor more than four police-officers, one whom of such police officers shall be appointed by the said town board as the chief of such police department; and such chief of police shall have the general supervision and direction of said police officers in the actual performance of their police duties, and in executing and carrying into effect the rules and regulations of said town board relating thereto. The police officers so appointed shall enter immediately upon the discharge of the duties of their office, and shall be governed by the rules and regulations made and adopted by the said town board. Said town board shall fill any vacancy in the office of police officer caused by death or removal, or resignation.

§ 2. Section fifteen of said act, as amended by section five of chapter eight hundred and forty-six of the laws of eighteen hundred and ninety-six, is hereby amended to read as follows:

§ 15. Such police officers shall have and exercise all the powers and authority that constables of the town of Whitehall now have, or hereafter shall have with regard to all criminal matters, and all proceedings of a criminal nature. In all cases in which they are authorized to act they shall possess the same powers, perform the same duties, and be subject to the same liabilities as constables. It shall be their duty to serve all processes and mandates issued by said police justice, or acting police justice, and to execute the orders and commitments of said police justice, or acting police justice, of the town of Whitehall in the trial or examination of criminal cases, and criminal proceedings, and they shall convey direct all persons sentenced or committed within said town to confinement in any jail or penitentiary, to such place of confinement. The board of police commissioners of said town is hereby abolished, and the power and authority of said police officers shall be exercised by and under the direction of the town board of said town, and said town board shall control and direct said police officers, including said chief of police, in the exercise and discharge of their powers and duties, and shall adopt rules and regulations for the government and discipline of all of said police officers, and any of them may be suspended, fined or removed by said town board upon charges to be made in writing and served upon any such police officer charged with violating his duty, and after a hearing and determination of any of such charge by said town board.

§ 3. Section sixteen of said act, as amended by section one of chapter four hundred and fifty-five of the laws of nineteen hundred and seventeen, is hereby amended to read as follows:

§ 16. The compensation of said police officers shall be fixed by resolution of the town board made and adopted at any time, and shall be paid monthly by the supervisor of said town from the funds in his hands to be raised in the manner hereinafter provided. The actual and necessary disbursements of said police officers in keeping and conveying prisoners to the county jail, or penitentiary, and in complying with the rules and regulations of the town board, are to be audited and paid as other bills and accounts against said town of Whitehall.

§ 4. This act shall take effect immediately.

(No. 13.)

APPENDICES

TO THE

Report of the Committee on Pensions

Submitted to the Legislature March 30, 1920

APPENDIX II

DIGEST OF STATE LAWS RELATING TO STATE, COUNTY AND
MUNICIPAL EMPLOYEES, EXCEPTING NEW YORK STATE
COUNTY AND MUNICIPAL EMPLOYEES

DIGEST OF THE RETIREMENT PENSION LAWS OF THE FORTY-EIGHT STATES RELATING TO STATE, COUNTY AND MUNICIPAL EMPLOYEES

Prepared by WM. E. HANNAN, Legislative Reference Librarian and MISS C. EVELEEN HATHAWAY,
Library Assistant, Legislative Reference Section, New York State Library

STATE	Class of employees	FUNDS CONTRIBUTED BY			Amount to be paid in before retirement
		State	City or county	Employee or other sources	
Alabama, General Acts 1915, pp. 899-909.	Firemen in cities having a population of 100,000.	.....	Not to exceed 1 per cent of revenues received from licenses.	(1) One dollar a month from each member of fire department. (2) Gifts and bequests. (3) A tax each year of one-half of 1 per cent of gross premiums of fire insurance companies.	.....
General Laws 1911, pp. 581-583.	Firemen and policemen in cities having a population of 25,000 or more.	.....	Funds of city		
General Acts 1915, pp. 385-386.	School teachers in counties of not less than 80,000 nor more than 82,000 population. Law not in effect if a majority of county board of education so vote.	.....	Public school fund of county.		.....
Arizona, Laws 1919, p. 103.	School teachers throughout the State.	School funds of the State.	.....		.....
Arkansas	No legislation.....	.....	.....		.....
California, Statutes and Amendments to the Codes, 1919, pp. 782-792.	County employees and appointive officers. Law effective when accepted by a four-fifths vote of the board of supervisors.	.....	(1) County to bear entire expense of administration. (2) County advance reserve made up by payment to the retirement fund of an amount not less than 1 per cent of the payroll. (3) An amount equal to the net amount of the deposits of members that have made deposits for ten or more years plus interest.	(1) Each employee to pay \$4 a month for not to exceed twenty-five years. May pay a greater amount each month. Board of retirement may exempt certain employees from these payments or permit smaller payments. (2) Gifts and bequests.	.....
General Laws 1915, pp. 436-440; Ibid. Supp. 1917, p. 709.	Firemen.....	.....	(1) Payable from the funds of the municipal corporation an amount equal to 2 per cent of the salaries paid to the firemen during the preceding year. (2) One-half of all fines for violation of laws against fire.	(1) All rewards given or paid to members. (2) All fines imposed upon members of fire department.	.....

NOTE.— For continuation of this table, see page 3897.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Class of employees	FUNDS CONTRIBUTED BY			Amount to be paid in before retirement
		State	City or county	Employee or other sources	
California (<i>concl'd</i>) General Laws 1915, p. 444.			Upon petition of majority of electors provide fund by general tax for relief aged, infirm or disabled firemen.		
General Laws, Vol. 5, pp. 1062-1066. Codes and General Laws, Supp. 1917, pp. 1142-1143; Statutes and Amendments to Codes, 1919, p. 101.	Policemen		(1) One-half of dog tax. (2) All fines collected from members of police force for violation of the rules of police department. (3) All proceeds of sales of unclaimed property. (4) Not less than one-fourth nor more than one-half of license moneys from pawn-brokers, billiard hall keepers, second hand dealers and junk stores. (5) All fines for carrying concealed weapons. (6) 25 per cent of all fines for violation of ordinances. (7) All rewards paid police, except those excepted by chief of police. (8) County or city to pay an amount equal to 2 per cent of the salaries paid the police into the police relief and pension fund.		
General Laws 1915, pp. 1247-1253; Statutes and Amendments to Codes, 1919, p. 312.	School teacher in any public or State institutional school.	(1) Five per cent of the inheritance taxes each year. (2) Appropriations made by the legislature.		(1) One dollar a month from each teacher. (2) Income and interest derived from investment of fund. (3) Donations, legacies, gifts and bequests.	Three hundred and sixty dollars. The difference between \$360 and the amount actually paid may be paid at time of retirement or \$20 a month may be withheld from retirement allowance until difference is made up.
Colorado, Annotated Statutes, Vol. 5, pp. 4365-4372.	Firemen in cities having a population of over 100,000.		A city tax of not to exceed one cent on each \$100 valuation. When property to the credit of such fund falls below \$300,000 a like tax of one cent shall be levied.	(1) Moneys withheld from members on account of misconduct or breach of discipline. (2) Fines imposed by way of discipline. (3) All rewards, fees, proceeds of gifts to members, except those they are allowed to retain.	

NOTE.— For continuation of this table, see page 3897.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Class of employees	FUNDS CONTRIBUTED BY			Amount to be paid in before retirement
		State	City or county	Employee or other sources	
Colorado (<i>concl'd</i>) Laws 1917, pp. 235-243.	Firemen in all cities...	Three-eighths of the one-half of the annual tax of 2 per cent on all premiums collected from foreign fire insurance companies in State. Fund distributed to treasurer of firemen's pension fund in each city in the same proportion that the population of such city bears to the total population of all cities.		(1) Gifts, grants, devises or bequests. (2) Moneys, fees, rewards given to departments or members.	
Code and Annotated Statutes, Vol. 6, pp. 583-592.	Policemen in cities of over 100,000 population.		A tax not to exceed one cent on each \$100 valuation of taxable property to establish a fund of \$300,000. The same tax to be levied when fund falls below \$300,000.	(1) All moneys withheld from members of force for breach of discipline or violation of rules. (2) All fines imposed on members by fire and police board. (3) All rewards, fees and proceeds of gifts paid to any member except those retained by members. (4) Donations, gifts or devises.	
Annotated Statutes, Vol. 4, pp. 3849-3847; Laws 1919, pp. 597-598.	Teachers in every school district of the first class.		Special levy in the school district of not to exceed one-fifth of one mill may be made.	Gifts or bequests	
Connecticut, Special Laws 1911, pp. 88-99; Ibid. 1919, pp. 181-182.	Fireman in city of Hartford.		Such sums of money as city may appropriate.	(1) Monthly assessment of members' salary not to exceed 1 per cent per annum. (2) All bequests or donations. (3) All fines imposed on members. (4) All moneys received from sale of condemned property when such property does not exceed \$250 in value for any one article. (5) All rewards or gifts to members except those allowed to be retained.	

NOTE.— For continuation of this table, see page 3897.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Class of employees	FUNDS CONTRIBUTED BY			Amount to be paid in before retirement
		State	City or county	Employee or other sources	
Connecticut — (concl'd) Special Laws 1907-1909, pp. 123-124; Ibid. 1915, pp. 156-157.	Firemen in city of Meriden.		(1) Moneys appropriated by the board of apportionment and taxation. (2) Five per cent of all fees or taxes collected from licenses to sell liquors until fund amounts to \$50,000 when such 5 per cent tax ceases and renewed only when fund is less than \$50,000.	(1) All moneys and property possessed by or due fund. (2) Monthly assessments on salaries of permanent and call members not to exceed 4 per cent per annum, assessment on permanent members not to exceed one-half the rate upon call members. (3) All moneys and property received from any source.	
General Statutes, Revision 1918, pp. 211-214.	Policemen		(1) Moneys appropriated by the city. (2) Five per cent of all fees or taxes for licenses to sell liquors.	(1) All property given for the benefit of policemen. (2) All lost or unclaimed money and moneys arising from sale of unclaimed property. (3) All rewards, fees or gifts presented to members except such as they may be allowed to retain. (4) All fines upon members. (5) Income and interest from property belonging to fund.	
General Statutes, Revision 1918, pp. 351-356; Public Acts 1919, pp. 2720, 2943-2945.	Teachers in public schools and state institutions.	(1) Expense fund to consist of amounts appropriated by the state. (2) Pension fund to consist of appropriations made by state to the amount of annuity purchased.		Teachers shall pay into the annuity fund 5 per cent of his annual salary in monthly installments. Maximum assessment for any one year \$100; minimum \$25.	Not more than cost of \$500 annuity at age of 60.
Special Laws 1911, pp. 323-328.	Teachers in New Haven city school district.		Appropriations by city.	(1) One per cent of salary for first ten years; 2 per cent thereafter. (2) Gifts or bequests. (3) Unpaid salaries on account of resignation; illness or absence.	Amount equal to annuity for one year.
Special Laws 1911, pp. 534-586.	Teachers in New London union school district.		(1) Appropriations by city. (2) Five per cent of liquor license fees. (3) Amount equal to difference between 3 per cent of salary list and 5 per cent of excise fees.	(1) One per cent of annual salary. (2) Gifts, bequests.	
Public Acts 1919, p. 2867.	State employees	State appropriation.			

NOTE.—For continuation of this table, see page 3897.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Class of employees	FUNDS CONTRIBUTED BY			Amount to be paid in before retirement
		State	City or county	Employee or other sources	
Delaware, Laws 1911, pp. 473-477.	Policemen in city of Wilmington.	.....	City to appropriate annually not less than \$5,000.	(1) Such annual sum from each member of the police force as he may voluntarily agree to contribute monthly as follows: Chief of police, \$1.75; captains, \$1.25; sergeants, \$1.15; patrolmen, \$1; matrons, 65 cents. (2) Fines imposed on members. (3) Donations. (4) Moneys from sale of unclaimed property.	.....
Laws 1911, pp. 473-477.	Teachers in the schools in city of Wilmington.	.....	(1) One thousand dollars annually to be provided by city board of education. (2) \$2,000 annually to be provided by the city council.	(1) Teachers: 1 per cent of salary for first ten years' teaching; 2 per cent of salary over ten years' and less than twenty years' teaching; 3 per cent of salary over twenty years. Maximum, \$50 a year. (2) Fines imposed on members. (3) Rewards and gifts, except those allowed to be retained by members. (4) Donations. (5) Moneys from sales of unclaimed property.	Four hundred dollars.
District of Columbia, U. S. Statutes at large, 1915-1917, pp. 718-721.	Firemen and policemen in the District of Columbia.	.....	General revenue fund of district to be drawn upon to meet any deficiency in fund.	(1) One and one-half per cent of monthly salary of members. (2) Fines imposed. (3) Rewards and gifts, except those allowed to be retained by members. (4) Donations. (5) Moneys from sales of unclaimed property.	.....
Florida, Laws 1917, Vol. 2, pp. 1055-1059.	Firemen in city of Tampa and all employees of department required to have special technical skill.	.....	One-tenth of 1 mill on assessed valuation of taxable property until fund totals \$50,000, at which amount it shall be maintained.	.....	.....
Georgia, Laws 1910 pp. 374-376; Ibid. 1912, pp. 579-580.	City employees, firemen, policemen and teachers in city of Atlanta.	.....	Maintained by city.	.....	.....
Hawaii, Laws 1917, pp. 408-417	Bandsmen, firemen and policemen.	.....	One per cent of the general fund of the county or city and county.	(1) Donations. (2) Gifts, grants or bequests.	.....
Laws 1915, pp. 131-135; Ibid. 1919, pp. 223, 224, 226-227.	Teachers in the public schools of the territory.	Two and one-half per cent of the school tax.	.....	(1) One per cent per annum of salaries of inspectors, principals, teachers and special teachers when consented thereto in writing by such employees. (2) Donations, legacies and gifts. (3) All moneys from other sources.	An amount equal to 20 per cent of salary at time of retirement.

NOTE.—For continuation of this table, see page 3897

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Class of employees	FUNDS CONTRIBUTED BY			Amount to be paid in before retirement
		State	City or county	Employee or other sources	
Idaho, Compiled Laws 1918, Vol. 1, pp. 231-232.	Teachers in independent school districts employing thirty or more teachers.	.....	Special levy upon school district not to exceed one-tenth of one mill.	(1) Assessments paid by employees. (2) Gifts and bequests.	All assessments levied.
Illinois Revised Statutes 1917, pp. 538-540.	City employees in water works department in cities of more than 100,000 population.	.....	.....	(1) Not less than 1 per cent nor more than 2 per cent of annual salary. (2) Gifts, grants or bequests.	Assessments for a period of 10 years.
Revised Statutes 1917, pp. 567-573.	City employees in the civil service in cities having a population exceeding 100,000.	.....	City to pay from revenues received from various licenses a sum equal to twice the amount deducted from salaries of employees. In lieu of license fees a tax not to exceed five-tenths of a mill on the dollar may be levied to produce same amount.	(1) Two dollars and fifty cents a month from salaries or wages of each employee. (2) Gifts, grants or bequests.	Deductions from salaries for a period of 20 years.
Revised Statutes 1917, pp. 828-831.	Officers and employees in counties having a population exceeding 150,000.	.....	.....	(1) Two dollars a month from salaries or wages of employee. (2) Gifts, grants or bequests.	Deductions from salaries for a period of 20 years.
Revised Statutes 1917, pp. 435-438.	Firemen and policemen in cities, towns and villages.	.....	(1) One-half of rates, taxes and license fees paid by fire insurance companies. (2) One-fourth of dog tax in cities of 10,000 or more. (3) Two per cent of saloon license moneys if agreed to by majority vote of electors.	(1) Fines imposed on members. (2) Fines for violation of fire ordinances. (3) Moneys received from sale of unclaimed property. (4) Firemen and police to pay \$5 a year.	All assessments regularly made.
Revised Statutes 1917, pp. 455-459.	Firemen in cities between 50,000 and 200,000 inhabitants.	.....	(1) A tax of three-tenths of one mill on the dollar for a period of two years. (2) One per cent of license moneys from business, occupations or professions.	(1) Fines for violation of fire ordinances. (2) Donations. (3) Not to exceed 1 per cent of salary of firemen. (4) Rewards or gifts to firemen except those allowed to be retained by them. (5) Fines imposed on firemen.	.....
Revised Statutes 1917, pp. 461-466.	Firemen in cities exceeding 200,000 inhabitants.	.....	A tax of five-tenths of a million the dollar.	(1) Two and one-half per cent of salary or wages of employee. (2) Five per cent of an amount equal to the monthly salary or wages at date of retirement to be paid monthly by such retired fireman from date of retirement until he shall reach age of fifty years. (3) All fines imposed upon firemen. (4) All rewards or gifts to firemen except such as they are allowed to retain. (5) All moneys or property acquired from any source.	.....

NOTE.— For continuation of this table, see page 3897.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Class of employees	FUNDS CONTRIBUTED BY			Amount to be paid in before retirement
		State	City or county	Employee or other sources	
Illinois (<i>cont'd</i>) Revised Statutes 1917, pp. 466-469.	Fire insurance patrolmen in cities exceeding 50,000 inhabitants.			(1) Not to exceed 1 per cent of salary of member. (2) Not to exceed 2 per cent of moneys paid by insurance companies. (3) All rewards, fees, and gifts to members except such as members may be allowed to retain.	
Revised Statutes 1917, pp. 438-443.	Policemen in cities having 50,000 inhabitants or more.		(1) Three-fourths of dog tax. (2) Four per cent of liquor license moneys. (3) All moneys paid for special detail of policemen. (4) One-fourth of license moneys from pawnbrokers and second-hand dealers. (5) Three per cent of revenue from licenses other than those above noted, sum not to exceed \$50,000 a year.	(1) One-half per cent from salary of policemen but not to exceed \$3 a month from any one member. (2) Fines imposed on policemen. (3) Proceeds from sale of unclaimed, lost or stolen property. (4) Fines for carrying concealed weapons. (5) One-half of costs for violating city ordinances. (6) Rewards given policemen except those allowed to be retained.	
Revised Statutes 1917, pp. 443-447.	Policemen in cities between 50,000 and 100,000 inhabitants.		(1) Three-fourths of dog tax. (2) Two per cent of liquor license moneys. (3) All moneys paid for special detail of policemen. (4) Ten per cent of revenues from licenses other than those above noted. (5) Three-tenths of a mill on the dollar for a period of three years.	(1) One per cent a month from salary of policemen, but not to exceed \$1 a month from any one member. Not to apply to cities that have no civil service in police department. (2) One per cent a month to be deducted from each police pensioner. (3) Ten per cent of fines for violation of city ordinances. (4) Fines imposed on policemen. (5) Rewards paid members except those allowed to be retained.	
Revised Statutes 1917, pp. 447-455.	Policemen in cities exceeding 200,000 inhabitants.		(1) A tax of not to exceed nine-tenths of a mill on the dollar. (2) If above tax not levied the revenues from occupation licenses to be set aside.	(1) Two and one-half per cent from monthly salary of policeman. (2) Rewards paid policemen except those which they are permitted to retain. (3) Moneys paid for special detail of police. (4) Fines imposed on police. (5) Moneys from sale of unclaimed and stolen property.	

NOTE.— For continuation of this table, see page 3897.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Class of employees	FUNDS CONTRIBUTED BY			Amount to be paid in before retirement
		State	City or county	Employee or other sources	
Illinois (<i>cont'd</i>) Revised Statutes 1917, pp. 2147- 2153.	Park policemen		One twenty-fifth of a mill on the dollar levied by the south park commissioners; one-tenth of a mill on the dollar levied by the West Chicago Park Commissioners; one-seventeenth of a mill on the dollar levied by the Lincoln Park Commissioners.	(1) Two and one-half per cent from monthly salary of each member. (2) Rewards paid park policemen except such as they are allowed to retain.	
Revised Statutes 1917, pp. 1648- 1653.	House of correction employees in cities exceeding 150,000 inhabitants.			(1) Two per cent of monthly salary of employees. (2) Three per cent of gross earnings of House of Correction. (3) Three per cent of fines for violations of city ordinances.	Contributions to fund for twenty years of two per cent of salary.
Revised Statutes 1917, pp. 1866- 1869.	Public library employees in cities exceeding 100,000 inhabitants.			(1) Deductions from salaries of employees not less than \$6 nor more than \$48 a year for each employee. (2) Gifts or bequests.	Contributions for a period of five to ten years.
Revised Statutes 1917, pp. 2663- 2666; 2745-2749.	Teachers in all school districts having a population between 1,000 and 100,000; also in all school districts between 10,000 and 100,000.			(1) Five dollars per annum from those who have taught five years or less; ten dollars per annum from those teaching five to ten years, fifteen dollars per annum for those teaching ten to fifteen years; thirty dollars per annum from those teaching more than fifteen years. (2) Donations, legacies, gifts.	Contributions based on the number of years taught.
Revised Statutes 1917, pp. 2674- 2679.	Teachers in cities having a population over 100,000.		Interest from school funds raised by taxation not to exceed in any one year one per cent of sum so levied. To further appropriate an amount which added to the 1 per cent interest shall equal in amount double the aggregate contributed by the teachers.	(1) Fifty cents a month from teachers in service five years or less, one dollar a month from teachers in service five to ten years; \$1.50 a month from teachers in service ten to fifteen years; \$3.00 a month from teachers in service over fifteen years.	Four hundred and fifty dollars.
Revised Statutes 1917, pp. 2720- 2721.	Teachers and public school employees in cities having a population exceeding 100,000.		No tax shall ever be levied for this fund.	(1) Not to exceed 1 per cent per annum of salaries paid to teachers and school employees. (2) Donation, legacies, gifts or bequests. (3) Moneys derived from all other sources.	

NOTE.— For continuation of this table, see page 3397.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Class of employees	FUNDS CONTRIBUTED BY			Amount to be paid in before retirement
		State	City or county	Employee or other sources	
Illinois (<i>concl'd</i>) Revised Statutes 1917, pp. 2721- 2724.	Public school employees in cities exceeding 100,000 inhabitants. Includes engineers, janitors and office employees earning over \$49 a month.			(1) Not less than \$12 nor more than \$48 a year for each employee. (2) Gifts, grants or bequests.	Contributions for a period of ten to twenty years.
Revised Statutes 1917, pp. 2749- 2756; 2756-2760.	All teachers in the public schools of the State except in cities and school districts having a population in excess of 65,000 and operating under a pension system. Provisions of the law relative to teachers in State institutions similar to this act, so they are omitted.			(1) One dollar a month for first five months each year from those who have taught ten years or less; \$2 a month for first five months each year from those who have taught ten to fifteen years; \$6 a month for first five months each year for first ten years from those who have taught over fifteen years. (2) Donations and legacies. (3) Moneys received from any legal source.	Amount paid in to be based upon twenty-five years' service.
Indiana Annotated Statutes 1914, Vol. 4, pp. 371- 378; Acts 1919, pp. 802-804.	Firemen in cities of the first, second, third, fourth and fifth classes.		One-fifth of one mill in cities of first and second classes, and in cities of the third and fourth classes not less than one-twentieth nor more than four-tenths of one mill shall be levied on the dollar.	(1) Not less than 1 per cent nor more than 1½ per cent of salary of each member monthly. (2) Donations. (3) Gifts, grants or bequests. (4) Rewards given members.	
Annotated Statutes 1914, Vol. 4, pp. 365-370; Acts 1919, pp. 72-79.	Policemen in cities of the first and second classes and in all other cities by election.		Two-tenths of one mill on the dollar.	(1) Not less than 1 per cent nor more than 1½ per cent a year of salary of each member. Assessment of any one person not to exceed \$15 a year. (2) Donations. (3) Gifts, grants or bequests. (4) Rewards given members. (5) Fines imposed upon police. (6) Proceeds from sale of lost or stolen property.	
Annotated Statutes 1914, Vol. 3, pp. 353-358; Supple- ment 1918, pp. 384-386.	Teachers in cities having a population of 100,000 or more and receiving a salary of \$450 a year or more.		(1) A tax of one and one-fourth cents upon each \$100. This tax may be reduced after ten years to one cent upon each \$100 if condition of fund justifies it.	(1) One per cent per annum, but not more than \$10 upon salary of teacher who has taught in excess of 15 years; 2 per cent per annum, but not to exceed \$20 upon salary of teacher who has taught longer than 15 years. (2) Donations. (3) Gifts, grants or bequests.	In service not less than 25 years shall pay not less than one-third of pension received.

NOTE.—For continuation of this table, see page 3897.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Class of employees	FUNDS CONTRIBUTED BY			Amount to be paid in before retirement
		State	City or county	Employee or other sources	
Indiana (<i>concl'd</i>) Annotated Statutes 1914, Vol. 3, pp. 358-362; 363-367.	Teachers in cities of 55,000 to 60,000 inhabitants. Same provisions apply to teachers in cities of 20,000 to 100,000 inhabitants.	.....	(1) Special tax of one fourth of one mill upon the dollar.	(1) Each teacher for the first twelve years of teaching, \$10 a year; for next eight years, \$20 a year; for each subsequent year, not to exceed thirty years in all, \$25 a year. (2) Donations. (3) Gifts, grants or bequests.	Fees for thirty years of teaching service.
Annotated Statutes Supplement 1918, pp. 386-396.	Teachers regularly employed in the public schools of the State, in State normal schools or any public State educational institution. Any school corporation now having a pension system may elect to come under this act.	Semi-annual apportionments from the State school tuition tax of such additional amounts as are sufficient to meet all annuities, benefits and other expenses.	.....	(1) Each teacher for first fifteen years, \$10 a year; for the next ten years, \$20 a year; for the next ten years, \$25 a year; for the remaining years up to and including the fortieth year, \$20 a year. (2) Gifts, grants, or bequests.	All assessments provided in act
Iowa, Annotated Code Supplement 1913, pp. 342-344; 344-347. Acts 1917, pp. 42-43.	Firemen in all cities and towns. (Provisions of this act also applicable to policemen.)	.....	One-half mill on the dollar.	(1) A membership fee not to exceed \$5 and 1 per cent per annum on total salary, payable monthly.	.....
Acts 1917, pp. 422-423.	Teachers in independent school districts having a population of 75,000 or more.	.....	An annual tax of not to exceed two-tenths of a mill on the dollar.	(1) Not to exceed 1 per cent of salary of teacher in any one year. (2) Gifts or bequests.	One hundred and fifty dollars.
Kansas, General Statutes 1915, pp. 248-250.	Firemen in cities having a population in excess of 30,000 if adopted by the electors of such city.	.....	A tax of one-tenth of one mill on the dollar.	(1) A membership fee not to exceed \$5 and such monthly dues as firemen's relief association may determine. (2) Donations. (3) Legacies. (4) Fines imposed upon members. (5) Rewards given firemen except those allowed to be retained.	.....
Kansas, General Statutes 1915, pp. 248-250.	Firemen in cities of over 75,000 inhabitants. Applies also to policemen.	.....	.....	.....	.....
Laws 1919, pp. 161-162.	Firemen in cities of over 85,000 inhabitants.	.....	Not to exceed one-tenth of one mill on the dollar.	.....	.....
General Statutes 1915 pp. 1845-1846.	Teachers in cities of the first class.	.....	An amount from the general fund for the support of schools not less than one and one-half times the amount of salary assessments.	(1) Not less than 1 per cent and not to exceed 1½ per cent of salary of teacher. (2) Gifts or bequests.	Not less than one-half of the amount of the first annual pension.
Kentucky, Statutes 1915, Vol. 2, pp. 1474-1478; 1493-1497.	Firemen in cities of the first class. Same provisions apply to policemen.	.....	A tax not to exceed one cent on each \$100 until fund reaches \$300,000 and a like tax each year when fund falls below that amount.	(1) Fines imposed upon members. (2) Rewards paid members except those allowed to be retained. (3) Each member to pay fifty cents a month.	.....

NOTE.— For continuation of this table, see page 3897.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Class of employees	FUNDS CONTRIBUTED BY			Amount to be paid in before retirement
		State	City or county	Employee or other sources	
Kentucky (<i>cond'd</i>) Statutes 1915, Vol. 2, pp. 1529-1535.	Teachers in cities of the first class receiving a salary of \$450 or more a year.	.....	.....	(1) One per cent annually from salary, not to exceed \$10 for first fifteen years. 2 per cent annually not to exceed \$20 after fifteen years. (2) Gifts, grants or bequests.	Amount equal to first year's annuity.
Statutes 1915, Vol. 2, pp. 1724-1728.	Teachers in cities of the second class.	.....	(1) One thousand dollars or more annually out of school funds. (2) Tax of one cent on each \$100.	(1) One per cent of salary for first ten years; 2 per cent after ten years. Maximum \$40 a year. (2) Gifts, legacies and bequests. (3) Ten per cent of all other receipts.	Amount equal to first year's annuity.
Louisiana, Acts 1914, pp. 85-91.	Firemen in city of New Orleans.	.....	One per cent of all license moneys until the sum of \$200,000 is collected, license tax then to cease.	(1) Fines imposed upon firemen. (2) Fines for violation of city ordinances. (3) Donations. (4) Not less than 1 per cent nor more than 2 per cent of salary of members. (5) All rewards paid members except such as they are allowed to retain. (6) Gifts and bequests. (7) For sick benefits, each member pays \$2 a month for first year and seventy-five cents a month thereafter. Payments for death benefits not less than \$1 nor more than \$2.	.....
Annotated Statutes Vol. 3, pp. 1933-1938.	Policemen in cities having a population not less than 25,000 nor more than 100,000.	.....	.....	(1) One per cent of salary of members. (2) Ten per cent of fines for violation of city ordinances. (3) All fines imposed on police. (4) All rewards paid police except such as they may be allowed to retain. (5) Property of any character.	.....
Laws 1910, pp. 15-18.	Policemen in city of New Orleans.	.....	(1) One-half of 1 per cent of the annual appropriations. (2) One per cent of liquor license tax. (3) One per cent of the amount contributed by the board of commissioners of the port of New Orleans.	(1) One per cent of the salaries of members. (2) All fines imposed on members. (3) All rewards paid members except such as they are allowed to retain. (4) Proceeds from unclaimed property.	.....

NOTE.—For continuation of this table, see page 3897.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Class of employees	FUNDS CONTRIBUTED BY			Amount to be paid in before retirement
		State	City or county	Employee or other sources	
Louisiana (<i>concl'd</i>) Annotated Statutes Vol. 1, pp. 874-885.	Teachers in parish of Orleans.			(1) One per cent of salary for first ten years; $1\frac{1}{2}$ per cent of salary for second ten years; 2 per cent of salary thereafter. Members not engaged in classroom teaching 2 per cent without regard to years of service. (2) Gifts, grants or bequests.	Amount equal to retirement salary for first year.
Maine, Laws of 1909, p. 714.	Firemen in city of Portland.		Appropriation by the city.	Left to discretion of board.	
Laws 1905, pp. 422-423.	Policemen in city of Bangor.		Appropriation by the city.		
Laws 1919, p. 35...	State employees in any state institution or department.	Appropriations by the state.			
Revised Statutes 1916, p. 1596.	Officers of state prison	Appropriation by the state.			
Revised Statutes 1916, pp. 1637-1638.	Veteran of civil war in the service of the state.	Appropriation by the state.			
Revised Statutes 1916, pp. 395-396; Laws 1919, p. 83.	Teacher in the public schools of state.	State appropriation, \$30,000 annually.			
Maryland, Laws 1916, pp. 1051-1052.	Volunteer firemen of an incorporated volunteer fire company.	State appropriation, \$1,800 annually.			
City Charter 1900, secs. 70 and 445.	Firemen in city of Baltimore.		City appropriation...		
Laws 1898, pp. 537-538; Laws 1900, pp. 401-405.	Policemen in city of Baltimore.		(1) Appropriations by city. (2) License moneys collected by police department. (3) Share of liquor license. (4) All moneys for permits for public dances, boxing contests and tent shows.	(1) Two per cent of annual salary. (2) Fines imposed upon members. (3) All rewards paid to members except such as they are allowed to retain. (4) Proceeds of unclaimed and stolen property. (5) Deductions from pay for lost time.	
Laws 1916, pp. 989-990.	City employees of city of Baltimore, except employees whose salary exceeds \$1,000 a year.		Appropriations by the city.		
Annotated Code, Vol. 3, pp. 814-815.	Teachers in State....	State appropriation, \$34,000.			
Laws 1912, pp. 145-155.	Teachers in public schools of Baltimore county.		County commissioners may make appropriations.	(1) One per cent of salary annually not to exceed \$14.40 for first ten years; $1\frac{1}{2}$ per cent not to exceed \$21.60 for next ten years; two per cent not to exceed \$28.80 thereafter. (2) Gifts and bequests.	

NOTE.—For continuation of this table, see page 3897.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Class of employees	FUNDS CONTRIBUTED BY			Amount to be paid in before retirement
		State	City or county	Employee or other sources	
Maryland (<i>concl'd</i>) Laws 1908, pp. 595-603.	Teachers in city of Baltimore.		Board of estimate makes up deficit.	(1) One per cent of salary annually, not to exceed \$14.40 for first ten years; 1½ per cent not to exceed \$21.60 for next ten years; two per cent not to exceed \$28.80 thereafter. (2) Gifts and bequests.	Amount equal to first annual allowance.
Massachusetts Acts 1910, pp. 705-715; Acts 1911, pp. 299-309; Acts 1918, pp. 280-283; Acts 1911, pp. 718-727; Acts 1918, pp. 277-280.	City employees in any city or town, if adopted by the electors. Similar provisions applicable to county employees.		Appropriation by city in case of a deficiency.	(1) Not less than 1 per cent and not more than 5 per cent of salary of each employee. Assessments not to be made upon amounts above \$30 a week. (2) Gifts and bequests.	
Acts 1912, pp. 449-450.	Laborers in the employ of cities and towns, if adopted by the electors.				
Acts 1913, pp. 308-309.	Laborers in city of Boston.				
Acts 1898, Ch. 267 and subsequent laws.	Firemen in cities and towns except such towns and cities as have special acts.		Entire amount contributed by cities and towns.		
Acts 1890, Ch. 450; Acts 1902, Ch. 108; Acts 1906, Ch. 171.	Firemen's relief fund applies to whole State.	Fifteen thousand dollars annually from tax on insurance companies, is appropriated to the Massachusetts State Firemen's Association.			
Acts 1880, Ch. 107 and subsequent acts.	Firemen in city of Boston.		Entire amount contributed by the city.		
Acts 1892, Ch. 378 and amendments.	Policemen in cities of not less than 75,000 inhabitants if accepted by city council. Does not apply to Boston.		Entire amount contributed by the city.		
R. L. of 1902, Ch. 108, sec. 31; Acts 1901, Ch. 377.	Policemen in all cities and towns not having a pension system. Act effective upon acceptance by city council or by majority vote of town.		Entire amount contributed by the city.		
Acts 1904, Ch. 327.	Policemen in towns. Act effective upon acceptance by two-thirds vote of voters at town meeting.		Entire amount contributed by the towns.		
Acts of 1878, Ch. 244 and subsequent amendments.	Policemen in city of Boston.		Entire amount contributed by the city.		
Acts 1909, Ch. 453; Acts 1913, Ch. 545.	Metropolitan park police.	Entire amount contributed by State.			
Acts 1911, Ch. 675.	District police.	Entire amount contributed by the State			

NOTE.—For continuation of this table, see page 3897.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Class of employees	FUNDS CONTRIBUTED BY			Amount to be paid in before retirement
		State	City or county	Employee or other sources	
Mass.—(<i>concl'd</i>) Acts 1913, Ch. 832; Acts 1915, Ch. 1917; Acts 1916, Chs. 60, 238, 257; Acts 1917, Ch. 233; Acts 1918, Ch. 257.	Teachers in the public schools of the State.	One-half contributed by the State.		One half. Not less than 3 per cent nor more than 7 per cent. Rate fixed by board. Present rate 5 per cent. Minimum annual contribution \$35; maximum \$100.	No teacher may contribute more than enough to purchase an annuity of \$500 at age of sixty. No contribution need be made after thirty annuals.
Acts 1908, Ch. 589; Acts 1910, Ch. 617; Acts 1912, Ch. 569.	Teachers in city of Boston.		Tax of 7 cents on \$1,000 of property valuation.		
Acts 1911, Ch. 532; Acts 1912, Ch. 363; Acts 1914, Chs. 419, 582; Acts 1915, Ch. 198; Acts 1916, Ch. 164; Acts 1918, Ch. 257.	All employees of the commonwealth except those entering service after fifty-five years of age, and elective officers. Except employee entitled to pension, from Commonwealth under any other act.	An amount to guarantee regular interest and make good any deficiency. Appropriation of entire amount for administration. Appropriation of balance necessary to pay annuities and pensions.		Fixed by board of retirement not less than 1 per cent nor more than 5 percent. \$30 weekly being maximum basis of assessment.	
Acts 1900, Ch. 237; Acts 1902, Ch. 233.	Boston teacher's retirement fund.		City pays \$1,000 salary of treasurer.	Bi-monthly assessments of \$3, \$18 yearly.	Five hundred and forty dollars.
Acts 1912, p. 722.	Court officers of the supreme judicial or superior court.	In part by the State.	In part by the counties		
Acts 1910, Ch. 540; Acts 1918, Ch. 257.	Judges of the supreme, judicial or superior court, land court of probate and insolvency.	Appropriation by State.			
Acts 1911, Chs. 231, 682.	Justice of a district, municipal or police court. Same provisions apply to chief justice and any associate justice in municipal court of city of Boston.	Appropriation by State.	Appropriation by County.		
Acts 1916, Ch. 273; Acts 1908, Ch. 606; Acts 1911, Ch. 673.	Employees in the prison service of the commonwealth. Same provisions apply to prison officers and instructors.	Entire amount appropriated by the State.			
Acts 1912, Ch. 723; Acts 1916, Ch. 225.	Probation officers.		Entire amount contributed by county.		
Acts 1913, Ch. 71.	Scrubwomen in employ sergeant-at-arms.	Entire amount contributed by State.			
Acts 1918, Ch. 172.	Scrubwomen in employ of Suffolk county. Act effective if approved by city council and mayor.		Entire amount contributed by the county.		
Michigan, Local Acts 1885, No. 386.	Firemen in city of Detroit.		Annual appropriations.		
Local Acts 1891, No. 309.	Firemen in city of Grand Rapids.		Annual appropriations.		

NOTE.—For continuation of this table, see page 3597.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Class of employees	FUNDS CONTRIBUTED BY			Amount to be paid in before retirement
		State	City or county	Employee or other sources	
Michigan—(concl'd) Local Acts 1893, Ch. 372.	Policemen in city of Detroit.		Dog licenses and appropriations of balance necessary; fees for capture of dogs.	(1) One per cent of salary. (2) Fines and penalties. (3) Rewards. (4) Proceeds from sale of unclaimed property. (5) Unclaimed moneys.	
Public Acts 1915, No. 174, pp. 286-292.	Teachers in the public schools and State institutions.			(1) One-half of 1 per cent of salary, not to exceed \$5 annually for first five years of teaching; 1 per cent for next ten years, to exceed \$10 a year; 2 per cent thereafter, not to exceed \$20 a year. Board has power to raise rates 1, 2 and 3 per cent. (2) Gifts and bequests.	Amount equal to one year's annuity.
Acts 1895.	Teachers in public schools of city of Detroit.			(1) Teachers contribute about three-fourths of fund; from 1 to 3 per cent of salary. No amount greater than \$1,000 being used as a basis for deduction. (2) Balance of fund made up from tuition fees of non-resident pupils, deductions from salaries for absence, gifts and bequests.	Regular contributions for fifteen years.
Minnesota, Laws 1919, pp. 504-506.	City employees in bureau of health in cities having a population of 50,000 or more and operating under a home rule charter.		A tax of one-twentieth of one mill on the dollar.	(1) Dues of members. (2) Gifts and bequests.	
Laws 1919, pp. 712-729.	City employees in cities having over 50,000 inhabitants. Effective when ratified by majority of the votes of the electors.		City to levy an annual tax the amount of which shall not be less than the sum of the estimated administrative expense and the net present worth of all retirement allowances chargeable against the city.	Class A: Employees in service thirty years to contribute \$2 a month. Class B: Employees in service twenty-five years or more contribute, viz.: entering service 20 years old or younger, 3 per cent of salary; 45 years of age or older 8 per cent of salary; after 20 and prior to age 45 a percentage of salary equal to 3 per cent plus as many times two-tenths of 1 per cent as the age of the employee exceeds 20 at the time service begins. Employees whose compensation does not exceed \$750 a year do not contribute.	Contributions for thirty years.

NOTE.— For continuation of this table, see page 3897.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Class of employees	FUNDS CONTRIBUTED BY			Amount to be paid in before retirement
		State	City or county	Employee or other sources	
Minn.—(cont'd) Laws 1919, Ch. 23 (Extra Session).	County employees in any county of the State having a population of 330,000 or more.		Entire amount contributed by the county.		
General Statutes 1913, pp. 748-752; Supp. 1917, p. 334; Laws 1919, pp. 729-731.	Firemen in cities having a population of more than 50,000 inhabitants.	Amount of two per cent tax on fire insurance companies refunded by State to cities.	A tax of one-tenth of a mill on all taxable property.	Interest, rents, gifts or money from other sources.	
Statutes, Supp. 1917, pp. 335-338.	Fire insurance patrolmen in cities having a population in excess of 50,000.			(1) Not to exceed 1 per cent of salary of each member. (2) Four per cent of money paid by insurance companies to treasurer of board of underwriters for first eight years and not to exceed 2 per cent thereafter. (3) Rewards paid members except such as they are allowed to retain.	
Acts of 1892.....	Firemen in city of Minneapolis.		(1) Two per cent of premiums collected in city by fire insurance companies. (2) Tax levy of one-tenth of a mill on each dollar of taxable property.	Eight dollars a year. Assessment of \$2 a member when necessary to pay death benefits.	
Acts of 1892.....	Firemen in city of St. Paul.	State appropriation.	Two per cent of premiums collected in city by fire insurance companies.	Three dollars annually. Entrance fee of \$15. Annuitants also pay annual dues.	
Laws 1919, pp. 151-154.	Policemen in cities between 20,000 and 50,000 inhabitants.		A tax of three-sevenths of one mill on each dollar of taxable property. Tax may be less if fund justifies it.	Gifts, rents.....	
Statutes, Supp. 1917, pp. 117-119.	Policemen in cities having a population over 50,000 and having a home rule charter.		A tax from one-tenth to one-sixth of a mill upon each dollar of taxable property.	(1) One per cent of monthly salary. (2) Gifts, bequests. (3) Rewards paid to police. (4) Unclaimed moneys and proceeds from unclaimed property.	
Laws 1903, pp. 231-233; Laws 1919, pp. 159-160.	Policemen in cities situated in counties having a population between 150,000 and not over 225,000.		One-fifth of one mill on each dollar of taxable property.		
Acts 1903, Ch. 159 with amendments.	Policemen in city of Minneapolis.		One-seventh of one mill on each dollar of taxable property.	Two dollars annually..	
Acts 1903, Ch. 159 with amendments.	Policemen in city of St. Paul.		One-tenth of one mill on each \$100 of taxable property.	Five dollars membership fee; \$2 annually.	
Laws 1919 pp. 552-554.	Police matrons, assistant police matrons and police women in cities of 50,000 inhabitants or over.	State funds.....	Local funds.....		

NOTE.—For continuation of this table, see page 3897.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Class of employees	FUNDS CONTRIBUTED BY			Amount to be paid in before retirement
		State	City or county	Employee or other sources	
Minn.—(concl'd) Statutes Supp. 1917, pp. 289-294.	Teachers in the public schools or in any State institution.	State tax of one-twentieth of one mill on all taxable property.		Assessments on members for first five years of teaching, \$5 a year; second five years, \$10 a year; for next ten years, \$20 a year; for next five years, \$30 a year. Salaries of \$1,500 and over pay $1\frac{1}{2}$ per cent, maximum \$20 for first ten years, and 2 per cent but not above \$40 for succeeding years. No deduction after 25 years.	Contributions for full number of years prescribed.
Minnesota, General Statutes 1913, pp. 292-293.	Teachers in city of Minneapolis.		A tax not to exceed three-tenths of a mill on all taxable property.	(1) Ten dollars annually for first five years; \$20 for next five; \$25 thereafter not to exceed thirty years in all. (2) Donations.	Full amount of dues to which the association is entitled.
General Statutes 1913, pp. 292-293.	Teachers in city of St. Paul.		Interest on one-tenth of annual city taxes.	Initiation fee \$5, 1 per cent of annual salary. Maximum \$25	Four hundred dollars.
Mississippi.....	No legislation.				
Missouri, Revised Statutes 1909, Vol. 3, pp. 3095-3101; Laws 1919, pp. 582-589.	Firemen in cities having a population of more than 100,000 inhabitants.		Relief fund: (1) Proceeds from sale of condemned animals and fire apparatus and rejected or surplus material. (2) Fines for violation of fire ordinances, storing explosives. (3) License moneys for sale of oil and explosives. (4) One-half of revenues from fire insurance companies. (5) Not to exceed 3 per cent of license revenues. (6) A tax of one-fifth of a mill on the dollar.	Retirement fund: (1) Initiation fees and dues. (2) Moneys received for services to private citizens. (3) Fines imposed upon members. (4) Donations. (5) Rewards paid firemen except such as they are allowed to retain. (6) Gifts and bequests.	
Revised Statutes, 1909, Vol. 3, pp. 3091-3095.	Firemen in all cities, villages or incorporated towns having an organized fire department. Cities of second class to vote to adopt.		Not to exceed 1 per cent of license revenues.	(1) Not to exceed 1 per cent of salary (2) Rewards paid to firemen except such as they are allowed to retain. (3) Gifts and bequests. (4) All fines imposed upon members.	
	Police pensions. No legislation on this subject.				
	Teachers' pensions. No system established.				

NOTE.—For continuation of this table, see page 3897.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Class of employees	FUNDS CONTRIBUTED BY			Amount to be paid in before retirement
		State	City or county	Employee or other sources	
Montana, Revised Codes 1907, Vol. 1, p. 980; Ibid. 1915, Vol. 3, pp. 503-506; Laws 1919, pp. 127-128.	Firemen in each incorporated city of the State. Effective when adopted by the city council.	Funds received from State.	Special tax not to exceed one-tenth of one mill on the dollar of all taxable property.	Interest, rents, gifts or money from other sources.	
Revised Codes 1915, Vol. 3, pp. 1007-1012.	Police pensions. No legislation on this subject.				
	Teachers in the public schools of the State.	State may make appropriations.		(1) One dollar from salary each month. (2) Gifts and legacies. (3) Income and interest from invested fund.	Amount equal to \$12 for each year of service to and including 25 years.
Nebraska, Revised Statutes 1913, pp. 707-708.	Firemen in metropolitan and first class cities.		(1) Balance of any appropriations not used. (2) License tax not over \$5 annually on each insurance company doing business in city.		
Nebraska, Revised Statutes, 1913, 708-709; Laws 1915, pp. 123-124.	Firemen in cities of first class of less than 25,000 inhabitants and all second class cities having organized volunteer fire companies.		(1) Balance of any appropriations not used; license tax of not over \$5 annually on each insurance company doing business in city.		
Revised Statutes 1913, pp. 1208-1211; Laws 1917, pp. 243-244.	Policemen in metropolitan cities.		(1) Proceeds from unclaimed property. (2) Forfeited bail. (3) Existing police funds. (4) Unexpended police appropriations.	(1) Fines imposed upon members. (2) Fees for services. (3) \$8 a month from each employee.	
Revised Statutes 1913, pp. 1960-1962.	Teachers in cities of the metropolitan class.		City appropriates not less than one and one-half times amount of teachers' contributions, and not less than amount necessary to meet payments provided.	(1) Not less than one nor more than one and one-half of salary.	
Nevada.....	Fireman and policemen. No legislation on these.				
Statutes 1915, pp. 303-308.	Teachers in public schools of the State.	State grants a tax of 3 mills on \$100 of all taxable property.		(1) Nine dollars a year from salary. (2) Gifts and legacies.	Nine dollars for each year of service to and including 30 years.
New Hampshire, Public Statutes and Session Laws 1901, p. 569; Ibid. 1901-1913, pp. 83-84; Laws 1917, pp. 749-750.	Firemen in towns and cities. Effective when accepted by people in towns and council in cities. Same provisions applicable to policemen and constables except as to State appropriation.	State appropriates \$4,000 annually from foreign fire and marine insurance companies tax and pays same to treasurer of State Firemen's Association.	Entire amount less amount appropriated by State.		
Laws 1915, pp. 223-228.	Teachers in public schools of the State. (Law declared unconstitutional.)	State appropriation.			
New Jersey, Laws 1918, p. 489.	County employees in any county of the State.		Appropriated by county.		

NOTE.— For continuation of this table, see page 3897.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Class of employees	FUNDS CONTRIBUTED BY			Amount to be paid in before retirement
		State	City or county	Employee or other sources	
New Jersey — (con'd)					
Public Laws 1902, Ch. 270 and subsequent amendments.	Firemen in cities of the first class. Effective when accepted by cities.	.....	(1) Appropriation. (2) One per cent of premium received by foreign fire insurance companies doing business in city. (3) Fines on account of chimney fires. (4) Minor theatre license fees. (5) Fees from permits granted by board.	(1) Between 1 and 2 per cent of salary. (2) Fines and penalties. (3) Rewards paid firemen except such as they are allowed to retain.	.....
Public Laws 1905, Ch. 65 and subsequent amendments.	Firemen in all municipalities other than those of the first class, having paid fire departments.	.....	Same as above noted.	Same as above noted.	.....
Laws 1902, Ch. 270; Laws 1908, Ch. 142; Laws 1912, Ch. 240.	Firemen in Jersey City	.....	Same as above noted for firemen in cities of first class.	(1) One per cent of annual salary. (2) Fines and penalties. (3) Rewards paid firemen except such as they are allowed to retain.	.....
Compiled Statutes 1911-1915, pp. 620-623.	Policemen in cities other than first class cities.	.....	(1) Two per cent of premiums received by foreign insurance companies. (2) License moneys for carrying firearms.	(1) Fines imposed upon members. (2) Deductions of pay on account of absence. (3) Donations. (4) Proceeds from sale of unclaimed property. (5) Two per cent of annual salary of each member. (6) One-half of the rewards paid members. (7) Two per cent of money paid to pensioners.	Full amount of the annual assessment or contribution.
Compiled Statutes 1911-1915, pp. 623-627; Laws 1917, pp. 122-126; Laws 1916, pp. 602-603.	Policemen in cities of the first class, Effective when adopted by popular vote,	.....	(1) Two per cent of premium received by foreign insurance companies. (2) Dog license fees. (3) Fees for permits to carry firearms. (4) Moneys derived from issue of badges to special officers. (5) Fees from dance halls.	(1) One-half of all rewards. (2) Proceeds from sale of unclaimed goods. (3) Fines imposed upon members. (4) Deductions of pay on account of absence. (5) Donations. (6) Two per cent of annual salary of each member.	Full amount of the annual assessment or contribution.
Compiled Statutes 1911-1915, pp. 653-655; Laws 1916, p. 298.	Policemen in cities other than cities of first class. Effective when adopted by the council or by voters.	.....	Such tax levy as is necessary to meet deficit.	(1) One per cent of salary. (2) Fines imposed upon members. (3) One-half of all rewards paid to policemen. (4) Donations.	Full amount of the annual assessments or contributions.
Compiled Statutes 1911-1915, pp. 667-668.	Policeman in first class counties.	.....	Such tax levy as is necessary to meet deficit.	(1) One per cent of salary. (2) Fines imposed upon members. (3) Donations.	.....

NOTE.— For continuation of this table, see page 3897.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Class of employees	FUNDS CONTRIBUTED BY			Amount to be paid in before retirement
		State	City or county	Employee or other sources	
New Jersey — (<i>concl'd</i>) Compiled Statutes 1911-1915, pp. 662-655.	Policemen in cities of first class. This act is for the special benefit of the dependents of the policemen. Its provisions shall not affect any other act establishing a pensions fund in cities of first class.	.....	(1) All dog taxes. (2) Fees for permits to carry firearms. (3) Monies derived from issue of badges to special officers. (4) Fines for littering streets. (5) Fines for not displaying name on vehicle. (6) Fines for traffic violations. (7) Fines for violation of ordinances as to public vendors. (8) Fines for music on streets without license. (9) Fines for illegally distributing circulars.	(1) One-half of all rewards paid to police. (2) Proceeds from sale of unclaimed goods. (3) Fines imposed upon members. (4) Deductions of pay on account of absence. (5) Donations. (6) At least 1 per cent a year of annual salary of member.	Full amount of annual assessments or contributions.
Acts of 1895, Ch. 91; Acts of 1910, Ch. 48.	Park policemen .....	.....	.....	(1) One to 3 per cent of salary based on years of service. (2) Fines, penalties and rewards.	.....
Compiled Statutes 1911-1915, pp. 276-280; Laws 1919, pp. 615-617.	Employees of board of street and water commissioners in cities of the first class	.....	Appropriation by city	(1) Fines and fees. (2) All rewards, fees and gifts. (3) Donations. (4) Not to exceed 2 per cent of annual salary.	All assessments levied.
Compiled Statutes, Vol. 3, pp. 3787-3788; Laws 1919, p. 253.	Justices of the Supreme Court.	Appropriations by the State.	.....	.....	.....
Laws 1918, pp. 978-979.	Judge of the circuit court.	Appropriation by the State.	.....	.....	.....
Laws 1919, pp. 260-261.	Overseers of the poor in cities of the first class.	.....	Entire amount paid by city.	.....	.....
Laws 1919, pp. 157-186.	Teachers in the public schools, normal schools and truant reformatory schools of the State.	State appropriations from school apportionment fund.	.....	Amount contributable to be deducted from teacher's compensation upon proportions computed by the board.	All annual deductions.
Laws 1919, p. 340.	Sergeant-at-arms of the court of chancery.	Appropriation by the State.	.....	.....	.....
Compiled Statutes 1911-1915, p. 1164.	Widow of any governor of the State.	Appropriation by the State.	.....	.....	.....
New Mexico.	No legislation.	.....	.....	.....	.....
New York, Education Law, Sections 1095-1099a.	Teachers in State institutions and in institutions receiving State pupils.	Appropriation by the State.	.....	.....	.....
Education Law, Sections 1100-1109c; Laws 1919, Ch. 103, pp. 198-201.	Teachers in the public schools of the State also superintendents and district superintendents.	An amount equal to aggregate amount deducted from teachers' salaries and aggregate amount of contributions from school districts and cities. Appropriated from fund for support of common schools.	(1) School districts and cities to contribute an amount equal to that contributed by the teachers.	(1) One per cent of salaries.	Equal to 50 per cent of annuity.

NOTE.—For continuation of this table, see page 3897.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Class of employees	FUNDS CONTRIBUTED BY			Amount to be paid in before retirement
		State	City or county	Employee or other sources	
New York — (concl'd)					
Laws 1909, Ch. 431, pp. 917-1919; Laws 1911, Ch. 23, pp. 30-32; Laws 1914, Ch. 356, pp. 1097-1102.	Teachers in the public schools of Westchester county.	.....	Board of supervisors of county may provide by resolution annually for a sum not to exceed teachers' contributions.	(1) One per cent of annual salaries. (2) Donations, legacies.	One-half annuity for first year.
Judiciary Law, § 234.	Employees in county court of Kings.	.....	Appropriations by city,	Three per cent of salary payable monthly.	.....
Judiciary Law, § 117.	Employees of the appellate division of the supreme court of the second department.	In part by the State.	In part by the counties.	.....	.....
Judiciary Law, § 1118 as amended by Ch. 221, Laws 1919.	Employees of the appellate division of the supreme court of the third or fourth departments.	.....	Counties in the judicial district or department to make up any deficit in fund.	One per cent of monthly salary.	.....
Pension Law, §§ 410, 411, as amended by Ch. 207, Laws 1919.	Guards and other employees of State prisons and reformatories.	Appropriation by the State.	.....	.....	.....
Public Buildings Law, § 3, par. 8, as amended by Ch. 142, Laws 1918.	Employee in department of public buildings who is a veteran of the Civil war.	Appropriation by the State.	.....	.....	.....
Insanity Law, §§ 109-122, as amended by Ch. 499, Laws 1918.	Officers and employees of the State hospital system for the insane.	.....	.....	(1) Five years' service or less, 1 per cent of salary; five years and less than ten years, 1½ per cent; ten years and less than fifteen years, 2 per cent; fifteen years, and less than twenty years, 2½ per cent. More than twenty years, 3 per cent. New entrants to pay 2 per cent of salary. (2) Donations, gifts and bequests. (3) Deductions for leave of absence or sickness.	An amount equal to 50 per cent of first year's annuity.
Banking Law, § 16.	Employees in the State banking department.	Out of funds appropriated to the banking department.	.....	.....	.....
Civil Service Law, § 21-a.	Veterans of the Civil war employed in the civil service of the State and the several cities and counties.	Appropriation by the State if a State employee.	Appropriation by the city or county, if a city or county employee.	.....	.....
North Carolina....	No legislation.	.....	.....	.....	.....
North Dakota, Compiled Laws 1913, Vol. 1, pp. 979-980.	Firemen in cities, towns and villages of the State having a paid fire department and an organized firemen's relief association.	State appropriation.	.....	Interest, rents, gifts or money from other sources.	.....
	Police pensions — no legislation on subject.	.....	.....	.....	.....

NOTE.— For continuation of this table, see page 3837.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Class of employees	FUNDS CONTRIBUTED BY			Amount to be paid in before retirement
		State	City or county	Employee or other sources	
North Dakota — (concl'd)					
Compiled Laws 1913, pp. 361-366, as amended by Laws 1915, Ch. 140, and Laws 1919, Ch. 161.	Teachers in any public school or State institution.		Ten cents for each child of school age from county tuition fund.	(1) One per cent of salary for first ten years, not to exceed \$20; 2 per cent for next fifteen years, not to exceed \$40. (2) Gifts and bequests.	Amount equal to annuity for first year.
Ohio, General Code 1912, Vol. 2, pp. 667-671.	Firemen in cities and towns having a fire department supported at public expense. Provisions of this law apply to policemen also.		(1) Tax levy of three-tenths of a mill on all taxable property. (2) Fees from licenses under control of fire department.	(1) Monthly assessments as may be agreed upon. (2) Fines, penalties and rewards.	
Ohio, General Code 1910.	Firemen in city of Dayton.		(1) Tax levy of three-tenths of a mill on all taxable property. (2) Fees from licenses under control of fire department.		
Ohio, General Code 1910.	Firemen in city of Cleveland.		Not over three-tenths of a mill on each dollar of taxable property.	(1) One-half per cent of salary. (2) Fines, penalties, fees and rewards.	
Ohio, General Code 1912, Vol. 2, pp. 674-677.	Sanitary policemen.		Tax levy of one-thirtieth of a mill on each dollar of taxable property.	Monthly assessments at discretion of local board.	
Acts of 1892.....	Policemen in city of Cincinnati.		Tax levy of three-tenths of a mill on each dollar of taxable property.	(1) Each employee \$12 annually. (2) Fines, penalties and rewards. (3) Proceeds from sale of unclaimed property.	
Acts 1903.....	Policemen in city of Columbus.		Tax levy of not over three-tenths of a mill on each dollar of taxable property.	Proceeds from sale of unclaimed property.	Six hundred and sixty-six.
Acts 1904.....	Policemen in city of Springfield.		Appropriation annually of balance necessary.	Fines, penalties, rewards and fees.	
General Code 1912, Vol. 3, pp. 886-891.	Teachers, Act permissive in any school district.		One to 2 per cent of receipts of school board raised by taxation.	Teachers, \$20 a year.	Twenty dollars for each year of service, but not over \$600.
Oklahoma, Laws 1913, Ch. 244, as amended by Laws 1917, Ch. 161.	Firemen in all incorporated cities and towns.		One-half of the 2 per cent tax on premiums collected in city by foreign fire insurance companies.		
	Police pensions — no legislation on subject.				
Laws 1919, pp. 122-129.	Teachers in the public schools of the State.	Permanent fund: (1) All money or property which legislature may add to fund. Current fund: (1) Apportionments from proceeds of permanent school fund and the ad valorem school taxes.		Permanent fund: (1) Gifts, grants, devises and bequests. (2) All other money or property from any source. Current fund: (1) Interest on investments or deposits of permanent or current fund. (2) 1 per cent of annual salary of teacher.	
Oregon.....	Firemen's pensions. No legislation on subject.				

NOTE.— For continuation of this table, see page 3897.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Class of employees	FUNDS CONTRIBUTED BY			Amount to be paid in before retirement
		State	City or county	Employee or other sources	
Oregon (<i>concl'd</i>) Laws 1913, Ch. 287, pp. 548-552.	Policemen in cities of over 50,000 inhabitants.		(1) Per cent of liquor license money. (2) 10 per cent of license money of pawn-brokers, second hand and junk dealers. (3) 50 per cent of dog license fees. (4) Fines for carrying concealed weapons. (5) 5 per cent of fines for violation of city ordinances.	(1) 1 and one-half per cent of annual salary. (2) Fines, penalties and rewards.	
Laws 1911, Ch. 280, pp. 510-512; Laws 1913, Ch. 58, pp. 87-88.	Teachers in cities having more than 10,000 children of school age.		Three per cent of county school tax.	(1) From salary not less than \$1 a month for first ten years; not less than \$2 a month for next ten years; not less than \$3 a month for next ten years. (2) Fines imposed upon teachers. (3) Gifts and bequests.	Six hundred dollars.
Pennsylvania, Purdon's Digest, Vol. 6, Supp. 1905-1915, pp. 6830-6832; Laws 1917, pp. 689-693.	City employees in cities of the first class. County or other public employees to participate if paid by appropriation of city council.		(1) Not to exceed one-half of 1 per cent of all taxes.	(1) Four per cent of monthly compensation but not to exceed \$4 a month. Employees on a per diem wage or salary of \$360 a year or less not required to contribute unless they so elect.	Contributions for a period of twenty years.
Purdon's Digest, Vol. 6, Supp. 1905-1915, pp. 6889-6890.	City employees in cities of the second class.		Appropriation by the city.	Two per cent of monthly salary or wages, but not to exceed \$4 a month. Laborers on a per diem wage not required to contribute unless they so elect.	Contributions for a period of twenty years.
Purdon's Digest, Vol. 5, Supp. 1905-1915, p. 5741.	County employees in counties having a population between 1,000,000 and 1,500,000.		Not less than one-half nor more than 2 per cent of all available taxes.	One per cent of salaries.	
Purdon's Digest, Vol. 3, p. 2813.	Firemen in cities of the first class.			An equal and proportionate monthly charge made against each member.	
Purdon's Digest, Vol. 6, Supp. 1905-1915, p. 6888.	Firemen in cities of second class. This act permits cities to pension aged or disabled firemen.		Fund may be provided by ordinance.		
	Firemen in city of Pittsburgh.		(1) One-half of 2 per cent tax on premiums collected in city by foreign fire insurance companies. (2) Annual appropriation of \$30 a member.	Fines and penalties imposed upon firemen.	
Acts 1874.....	Firemen in the city of Philadelphia.			Two per cent of annual salary when necessary.	

NOTE.—For continuation of this table, see page 3897.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Class of employees	FUNDS CONTRIBUTED BY			Amount to be paid in before retirement
		State	City or county	Employee or other sources	
Pennsylvania — (concl'd)					
Purdon's Digest Vol. 6, Supp. 1905-1915, p. 6888.	Policemen in cities of second class. This act permits cities to pension aged or disabled policeman.		Fund may be provided by ordinance.		
Laws 1917, p. 39.	Policemen in cities of second class.		One and one-half per cent of all city taxes.		
Purdon's Digest, Vol. 3, p. 2813.	Policemen in cities of first class.			An equal and proportionate monthly charge made against each member.	
Purdon's Digest Vol. 3, pp. 3546-3547	Policemen in the several boroughs and cities of the commonwealth.			(1) Not more than three per cent of annual salary. (2) Gifts, grants or bequests.	
Acts 1891.....	Policemen in city of Philadelphia.		Annual appropriation.	(1) One day's pay a month. (2) Entrance fee of 25 cents. (3) \$10 if application for membership is not made within 60 days of entering service.	At least twenty years' assessments.
Acts 1893.....	Policemen in city of Pittsburgh.		Annual appropriation of \$50 a member.	(1) One and one-third of annual salary when fund is under \$50,000. (2) Fines, penalties, rewards and fees.	
Laws 1917, pp. 1043-1060.	Teachers in any of all classes of schools under the supervision of the department of public instruction including offices of the state department of public instruction and the state board of education.	State appropriation.		Such percentage shall be deducted from the earnable salary, not to exceed \$2,000 a year, as shall be computed to be sufficient with regular interest, to procure, at age of 62, an employee's annuity equal to one one-hundred-sixtieth (1-160) of the final salary for each year of service. If deduction computed shall exceed 5 per cent of the earnable salary, and the employee shall so elect, such 5 per cent shall be deducted.	
Purdon's Digest, Vol. 6, Supp. 1905-1915, pp. 7551-7552; Laws 1917, pp. 559-560.	State employees. Applies to all employees in penitentiaries, reformatories and other institutions operated by the commonwealth, as well as those more directly in the service of the commonwealth.	Appropriation by the State.			

NOTE.— For continuation of this table, see page 3897.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Class of employees	FUNDS CONTRIBUTED BY			Amount to be paid in before retirement
		State	City or county	Employee or other sources	
Philippine Islands. Administrative Code 1917, pp. 387-389.	Constabulary.....			(1) To be deducted from monthly pay of Colonel, 3 pesos and 50 centavos; Lieut. Colonel, 3 pesos; Major, 2 pesos and 50 centavos; Captain 2 pesos; 1st or 2nd Lieut., 1 peso and 50 centavos; 3d Lieut. 1 peso. Each enlisted man 20 centavos. (2) Fines and forfeitures imposed by summary courts. (3) Fines imposed upon commissioned officers.	
Porto Rico Laws 1915, pp. 41-42.	Insular police.....			Fines imposed upon policemen. (2) Funds from any other source.	
Laws 1917, Vol. 2, pp. 396-402; Ibid. 1919, pp. 786-788.	Teachers in the public schools and school supervisors.		School boards in 1st class towns contribute 2 per cent of their receipts, in 2d and 3d class towns 1 per cent.	(1) One per cent of teacher's annual salary. (2) Interest on funds, gifts, legacies.	
Rhode Island Acts and Resolves 1916 pp. 191-192.	City employees of Providence whose salary is not over \$18 a week and who are not otherwise provided for, as the city council may determine.		City council may appropriate money.		
General Laws 1909, pp. 1350-1351.	Firemen paid or voluntary.	(1) \$2,500 annually to Rhode Island State League of Firemen for Relief. (2) Taxes received from fire-insurance companies for death benefits.			
Public Laws 1913-14, p. 175.	Firemen in city of Pawtucket.				
Public Laws 1913-14, pp. 127-128; Ibid. 1917-18, pp. 219-220.	Firemen in city of Providence.		Sufficient funds to provide payments.		
Public Laws 1900-1901, pp. 342-343; Ibid. 1913-1914, pp. 126-127.	Policemen in city of Providence.		Money saved from salary of policemen absent from duty.	(1) Fees received by policemen for attending court. (2) 1 per cent of salary.	
Public Laws 1909-1910, pp. 665-667.	Policemen in city of Woonsocket.		May appropriate additional sums necessary.	One per cent of annual salary.	

NOTE.— For continuation of this table, see page 3897.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Class of employees	FUNDS CONTRIBUTED BY			Amount to be paid in before retirement
		State	City or county	Employee or other sources	
Rhode Island— (<i>concl'd</i>)					
General Laws 1909, pp. 277-278; Public Laws 1915-16, pp. 97-98.	Teachers in all schools supported at public expense.	Entire amount.			
South Carolina, Code 1912, Vol. 1, pp. 813-816.	Firemen in cities of over 25,000 population.		(1) One per cent of gross receipts for premiums received by foreign insurance companies. (2) Sale of condemned property of fire department.	(1) Fines for discipline imposed upon firemen. (2) Gifts and bequests.	
Code 1912, Vol. 1, pp. 498-499; Acts 1907, pp. 745-46. Acts 1916, pp. 881-882. Acts 1919, pp. 128-129.	Teachers in city of Charleston.		Since 1907, 8 per cent of gross income of school fund for twenty years. May make up any deficiency.	(1) Gifts, legacies. (2) Interest from fund.	
South Dakota,	No legislation.				
Tennessee, Private Acts 1913, pp. 799-801. Ibid. 1917, p. 2016.	Firemen and policemen in city of Nashville.		Tax of one-twentieth to one-fifth of a mill on the dollar of value of taxable property.	Officers of police and firemen pay \$6 annually; patrolmen and firemen of the line pay \$3 annually.	
Acts 1909, pp. 1523-32; Private Acts 1911, pp. 19-21.	Firemen and policemen in city of Chattanooga.		(1) May levy tax to raise \$7,500 on taxable privileges. (2) Proceeds from sale of unusable property of departments.	Fines, proceeds of entertainments, fees, dues, money for services rendered by fire department other than fire fighting.	
Public Acts 1917, pp. 229-233.	Teachers in districts in which local school authorities decide to establish fund.			(1) One to two and one-half per cent of annual salary contributed by teachers. (2) Gifts and legacies. (3) Any annual surplus make up sinking fund from which any deficiency may be met.	Must have contributed as required for five years, or may make up deficit, have it deducted from pension.
Texas, Local and Special Laws, 1907, p. 654.	Firemen and policemen of city of Dallas.				
Utah, Laws 1919, pp. 108-110.	Firemen in cities.	Twenty-five per cent of taxes on fire insurance premiums.		Gifts, donations and contributions.	
Compiled Laws 1917, pp. 958-960.	Teachers in first and second class cities over 5,000 population when majority vote requests it.			(1) One per cent of teacher's salary under \$1,200. Salaries over \$1,200 assessed at \$12. (2) Gifts and legacies.	Entire amount or have deficiency deducted from pension during first three payments.
Vermont, Compiled Laws 1917, p. 988.	Firemen and policemen				
Compiled Laws 1917, pp. 291-293.	Teachers in the public schools of the State.	Amount equal to contribution from association.		(1) Teachers contribute, but no definite amount stated. (2) Donations. (3) Legacies, gifts and bequests.	An amount equal to 40 per cent of the annuity or benefit to which entitled.

NOTE.—For continuation of this table, see page 3897.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Class of employees	FUNDS CONTRIBUTED BY			Amount to be paid in before retirement
		State	City or county	Employee or other sources	
Virginia, Code Supp. 1910, pp. 754-758.	Firemen's relief associations in any city or town maintaining fire department.	Fire and lightning insurance companies pay to State treasurer \$1 of every \$100 worth of premiums received and \$1 of every \$100 written covering property in locality where firemen's relief associations are chartered. This is appropriated to the association by the Legislature.			
Code Supp. 1916, p. 871.	Firemen in cities over 100,000 population.			Firemen contribute monthly \$3 to \$10 first year, \$2 to \$5 second and third year, dues required thereafter.	
Code Supp. 1916, p. 1157.	Firemen and policemen in first class cities.		Appropriations from city treasury or special tax.	Contributions from active members of fire or police departments and other method not prohibited by law.	
Code Supp. 1910, pp. 833-837; Ibid. 1916, p. 890-892.	Teachers who have taught in schools not including district superintendents.			(1) One per cent of salary. (2) Pensioner shall have deducted for permanent fund from first year's pension, 30 per cent of average annual salary for last five years of teaching, less amount already paid in.	
Washington, Laws 1919, pp. 668-680.	Firemen in incorporated cities and towns where paid fire departments are maintained.		Tax levy of one-half mill on each dollar of assessed valuation of property may be levied by city council when requested by board of trustees.	(1) One and one-half per cent of monthly salary. (2) Gifts and bequests.	
Codes and Statutes 1910, Vol. 2, pp. 1684-1687; Ibid. Supp. 1913, pp. 815-817; Laws 1915, pp. 137-141.	Policemen in incorporated cities of first class.		(1) One per cent of liquor dealers' licenses. (2) One-half of dog tax. (3) Money from sale of unclaimed property. (4) Ten per cent of pawn brokers', second-hand dealers' and pool-room licenses. (5) Fines for carrying concealed weapons. (6) Ten per cent of fines received for violation of city ordinances.	One and one-half per cent of monthly salary.	

NOTE.—For continuation of this table, see page 3897.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Class of employees	FUNDS CONTRIBUTED BY			Amount to be paid in before retirement
		State	City or county	Employee or other sources	
Washington— (concl'd) Laws 1917, pp. 744-758; Laws 1919, pp. 413-419.	Teachers in school districts of first class containing a city of 10,000 or more inhabitants.			From salary of teacher, \$12 for first ten years, \$24 for second ten years, and \$36 from then until teacher has paid \$720.	Seven hundred and twenty dollars.
West Virginia, Code, Supp. 1918, pp. 193-197.	Firemen of municipal corporations maintaining a fire department at public expense.		Tax levy of one-twentieth of a mill on the dollar of real and personal property listed for taxation.	(1) Fines imposed on firemen. (2) Gifts. (3) Voluntary contributions deducted monthly from pay of firemen, amount to be used to increase his own pension.	
Acts 1919, p. 72	Teachers			Fund maintained out of teachers' salaries.	
Wisconsin, Statutes 1917, pp. 809-811.	City employees in certain departments of first-class cities over 150,000 population.		From surplus earnings, fines, etc., collected by department in which fund is established.		
Statutes 1917, p. 682; 806-809, 811, 883-884.	Firemen in second-, third- and fourth-class cities, under 150,000 population.	(1) Taxes received from fire insurance companies. (2) Enough from income tax to bring annual amount up to \$175,000.		(1) One per cent of firemen's salaries. (2) Fines imposed upon firemen. (3) Money deducted because of time off for sickness. (4) Rewards and gifts not exceeding \$50,000. (5) Income from permanent fund when established.	
Statutes 1917, pp. 675-677; Laws 1919 (pamphlet edition), p. 56, ch. 263; p. 61, ch. 284.	Policemen in second- and third-class cities having a population of 10,000 to 150,000.		(1) Dog licenses. (2) One per cent of all other licenses. (3) Sale of unclaimed property. (4) Annual tax levy to care for any deficit.	(1) One per cent of salary. (2) Rewards. (3) Gifts. (4) Deductions from salaries for time lost on account of sickness.	
Statutes 1917, p. 678; Laws 1919 (pamphlet edition), p. 32, ch. 161.	Policemen in fourth-class cities under 10,000 population.				
Statutes 1917, pp. 420-423; Laws 1919 (pamphlet edition), p. 222, ch. 619, pp. 273-274, ch. 698.	Teachers in all public schools except cities of first class over 150,000 population.			When teacher joins fund 1 per cent of salary not exceeding \$15, is deducted for ten years; 2 per cent of salary, not exceeding \$30, is deducted for years following until twenty-five years are credited.	Full twenty-five years' assessment.
Wyoming	No legislation				

NOTE.—For continuation of this table, see page 3897.

NOTE.—All state-wide contributory systems, without exception, are compulsory upon new teachers; optional for teachers already in service.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	YEARS OF SERVICE BEFORE ALLOWANCE BEGINS		AMOUNT OF RETIREMENT ALLOWANCE	
	Without disability	With disability	Without disability	With disability
Alabama, General Acts 1915, pp. 899-909.	Twenty consecutive years and shall have attained age of 55 years. Twenty-five consecutive years no age limit. Fifteen consecutive years on account of faithful service.	Fifteen consecutive years on account of disability.	One-half of salary received at time of application, Member serving fifteen consecutive years and discharged for other than a criminal act to be paid not less than \$15 nor more than \$30 monthly.	One-half of salary received at time of retirement, Member temporarily totally disabled to be paid two-thirds of monthly salary for not to exceed one year.
General Laws 1911, pp. 581-583.	Twenty-five years and who have attained the age of 60 years.		One-half of salary received at time of making application.	
General Acts 1915, pp. 385-386.		Thirty consecutive years and has attained the age of 60 and because of physical or mental infirmity unable to teach longer.		Two hundred and forty dollars a year payable quarterly so long as teacher is without comfortable means of support. Payments may be discontinued for cause.
Arizona, Laws 1919, p. 103.	Thirty years or more, twenty-five of which shall have been in public schools of the State and have attained the age of 60.		Six hundred dollars paid in quarterly installments.	
Arkansas.....	No legislation.			
California, Statutes and Amendments to the Codes, 1919, pp. 782-792.	Ten years' continuous service preceding the attainment of age of 60. Any member reaching age of 70 must retire. Compulsory retirement not effective if head of department shows need of member's services. After thirty-five years' continuous service member may retire or be retired.	One year after formation of retirement system any member becoming permanently disabled may be retired.	A life annuity payable quarterly made up from the sum of the member's deposits with interest and contributions by the county with interest. If the sum total does not amount to more than \$500 the member retiring to receive it in one lump sum.	Member to receive an annuity based on sum of his deposits and county's contributions with interest. If any compensation received from county under any workmen's compensation act or any judgment the member in lieu of any annuity shall receive a refund of all money paid in by him.
General Laws 1915, pp. 436-440; Ibid. Supp. 1917, p. 709.	20 years or more in the aggregate and after becoming 60 years of age.	No definite period of service fixed.	An amount equal to one-half of salary received during year preceding retirement.	An amount equal to one-half the salary received at date of retirement
General Laws 1915, p. 444.		At least 15 years as an active member.		Not more than \$25 and not less than \$15 a month. Members who have received stipulated salary and served 15 years to receive one-half of salary at time of retirement. Member injured in discharge of fire duty entitled to benefits of act regardless of length of service.
General Laws, Vol. 5, pp. 1062-1066.	Twenty years' service or more in the aggregate and after becoming sixty years of age.	No definite period fixed.	Equal to one-half of salary received for one year next preceding date of retirement.	Equal to one-half of salary received at date of retirement. When disability ceases allowance stops and member restored to active duty

NOTE.— For continuation of this table, see page 3920.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	YEARS OF SERVICE BEFORE ALLOWANCE BEGINS		AMOUNT OF RETIREMENT ALLOWANCE	
	Without disability	With disability	Without disability	With disability
California—(concl'd) Codes and General Laws Supp. 1917, pp. 1142-1143. Statutes and Amend- ments to Codes 1919, p. 101.	Provision made for those serving thirty years or more.		A member who has served for thirty years or more to receive an amount equal to two-thirds of yearly salary.	
General Laws 1915, pp. 1247-1253; Statutes and Amendments to Codes 1919, p. 312.	Thirty school years at least fifteen of which shall have been in the public schools of the State including the last ten years immediately preceding retirement.	At least fifteen years....	Five hundred dollars a year payable quarterly. If any teacher, who is re- tired is re-employed in public schools of State the retirement allowance shall cease.	The same fraction of the maximum retirement sal- ary of \$500 as said teach- er's time of service is of thirty years.
Colorado, Annotated Statutes, Vol. 5, pp. 4365-4372.	Twenty years or more and has attained the age of fifty years.	No definite period fixed.	One-half the amount of salary received for years preceding retirement.	Temporary total disability either mental or physical full pay for not to exceed one year. Permanent disability either mental or physical, an amount equal to one-half of salary received at re- tirement.
Laws 1917, pp. 235- 243.	Period of twenty years and have attained the age of fifty years.	No definite period fixed.	One-half the amount of salary received for year preceding retirement. Acceptance of a salaried position as fireman after retirement pension sus- pended.	Temporary total disability mental or physical, full pay for not to exceed one year. Permanent disability either mental or physical, an amount equal to one-half of salary received at time disabled. Volunteer firemen injured in line of duty to receive not to exceed \$50 a month for one year. If deprived of his earning capacity such further sum as trustees may determine.
Code and Annotated Statutes, Vol. 6, pp. 583-592.	Any member having at- tained age of sixty years. Any member having served twenty-five year or more.	No definite period fixed.	One-half of salary paid one year preceding retire- ment.	Temporary total disability, mental or physical, full pay not to exceed one year. Permanent disability, men- tal or physical, an amount equal to one-half of salary at date of re- tirement.
Annotated Statutes, Vol. 4, pp. 3846- 3847; Laws 1919, pp. 597-598.	In active service twenty- five years of which not less than fifteen years shall have been in such school district. In case of any man, he shall have attained the age of 60 years. In case of any woman, she shall have attained the age of fifty-five years.	Service as teacher in such school district for not less than ten years.	Not to exceed \$50 a month.	Permanently incapacitated from teaching not to ex- ceed \$50 a month.
Connecticut, Special Laws 1911, pp. 88-91; Ibid. 1919, pp. 181-182.	Twenty years of con- tinuous and merito- rious service. Thirty years of con- tinuous and merito- rious service.	No definite period fixed.	One-half the salary received at time of retirement. To apply to permanent members and to those whose service included both call and permanent service. Call members to be paid amount received as salary before retirement.	Member permanently dis- abled to be paid one-half salary received at time of retirement.

NOTE.— For continuation of this table, see page 3923.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	YEARS OF SERVICE BEFORE ALLOWANCE BEGINS		AMOUNT OF RETIREMENT ALLOWANCE	
	Without disability	With disability	Without disability	With disability
Connecticut — (<i>con^d</i>) Special Laws 1907-1909, pp. 123-124; <i>Ibid.</i> 1915, pp. 156-157.	Any permanent or call member after 20 years' meritorious service.	No definite period fixed.	Permanent member one-half the salary received before retirement. Call member to be paid amount received as salary before retirement.	Any permanent or call member who is permanently disabled to be paid such sums as the board may determine.
General Statutes Revision 1918, pp. 211-214.		Any regular member of the regular force or of the reserve force after twenty years of continuous service. No period of service fixed for members of regular or supernumerary force who become permanently disabled physically or mentally.		Not to exceed \$500 annually. In case of officers not to exceed one-half the pay received at date of retirement. Members of the supernumerary or regular force permanently disabled to receive not to exceed one-half nor less than one-fourth of salary in the case of a supernumerary not to exceed one-half nor less than one-fourth of the salary of a patrolman. Any ex-policeman who is totally blind to receive not to exceed \$500 a year.
General Statutes Revision 1918, pp. 351-356; Public Acts 1919, pp. 2720, 2943-2945.	On attaining age of sixty or on completion of thirty-five years of service not less than twenty of which shall have been in public school of State and not less than five of which shall immediately precede retirement. On attaining age of seventy, teachers shall be retired unless the employing committee request the continuation of his services. Teacher sixty-five years old and have taught at least forty years, twenty-five of which shall have been in State and have retired prior to June 30, 1917, may become a member of retirement association at discretion of retirement board.	On attaining age of fifty-five years.	From the annuity fund an annuity payable monthly to which the sum of his assessments with interest shall entitle him. He shall also receive an equal amount payable from pension fund. Minimum \$300.	Annuity earned by teacher's contributions plus an equal pension from State.
Special Laws 1911, pp. 323-328.	Not less than 20 years' service, twenty of which shall have been in city schools. Those having taught forty years previous to act going into effect shall be retired. Having attained age sixty-five years, and has taught not less than thirty years, twenty of which in city.	Fifteen years' service, ten of which in city.	One-half of average salary for last five years, minimum, \$400; maximum, \$800.	One-thirtieth of full annuity for each year of service up to thirty years.

NOTE.— For continuation of this table, see page 3920.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	YEARS OF SERVICE BEFORE ALLOWANCE BEGINS		AMOUNT OF RETIREMENT ALLOWANCE	
	Without disability	With disability	Without disability	With disability
Connecticut — (<i>cont'd</i>) Special Laws 1911, pp. 584-586.	Not less than thirty years' service, fifteen of which shall have been in the district. Attaining age of sixty-five years and in service thirty years, fifteen of which in district, right to be retired. Service of not less than thirty-five years in district right to be retired.	Not less than twenty-five years, last 15 in district.	One-half average annual salary for last five years.	One-half average annual salary for last five years.
Public Acts 1919, p. 2867.	Thirty years and attained age sixty-five, twenty-five or more years, and attained age seventy.		One-half average salary for five years preceding retirement.	
Delaware, Laws 1911, pp. 473-477.	Twenty-five consecutive years and attained the age of fifty-five years.	Not less than fifteen nor more than twenty-five years.	Allowance paid monthly as follows: Chief of Police, \$70; Captains, \$50; Sergeants, \$45; Patrolmen, \$40; Matrons, \$25.	Same as in adjoining column.
Law 1911, pp. 473-477.	Period of service aggregating thirty years and who has attained age of sixty-five years. Period of service aggregating thirty-five years, twenty of which in city.	Period of service aggregating twenty years, fifteen of which shall have been in the public schools.	Four hundred dollars.	Same ratio to \$400 as time taught is to thirty-five years.
District of Columbia. U. S. Statutes at large, 1915-1917, pp. 718-721.	Having reached the age of sixty years.	Service not less than twenty-five years and attained the age of fifty-five years.	Fifty per cent of salary received at date of retirement.	On account of temporary disability to be allowed expenses for hospital and surgical services. For permanent disability to receive fifty per cent of salary.
Florida, Laws 1917, Vol. 2, pp. 1055-1059.	Thirty years' continuous service. On attaining age of sixty-five shall be retired.	No definite period fixed.	Not to exceed 50 per cent of salary for the three-year period preceding retirement.	Not to exceed 50 percent of salary received at date of retirement.
Georgia, Laws 1910, pp. 374-376; Ibid. 1912, pp. 579-580.	Twenty years' continuous service and attained the age of sixty years and if member does not own property to value of \$10,000. Any member who has performed thirty-five years' continuous service.	Twenty years' continuous service and if member does not own property to value of \$10,000.	One-half of salary received at time of retirement. Pension not to exceed \$50 a month. One-half of salary received at time of retirement, Pension not to exceed \$100 a month.	May be retired one year at a time upon one-half the salary received at time of injury. Pension not to exceed \$50 a month.
Hawaii, Laws 1917, pp. 408-417.	More than twenty and less than twenty-five years. For twenty-five years or over.	No definite period fixed.	Forty per cent of salary received at date of retirement. Fifty per cent of salary at date of retirement.	Not less than one-quarter nor more than three-quarters of the monthly salary.
Laws 1915, pp. 131-135; Ibid. 1919, pp. 223, 224, 226-227.	Twenty-five years in the aggregate, twenty years of which shall have been in the public schools of the territory. Thirty years' service in schools of territory or elsewhere in U. S. May voluntarily retire. Twenty years' service shall have been in schools of territory.	No definite period fixed.	Not to exceed 60 per cent of annual salary. In no case shall pension exceed \$600 a year.	

NOTE.— For continuation of this table, see page 3920.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	YEARS OF SERVICE BEFORE ALLOWANCE BEGINS		AMOUNT OF RETIREMENT ALLOWANCE	
	Without disability	With disability	Without disability	With disability
Idaho, Compiled Laws 1918, Vol. 1, pp. 231-232.	Male teacher thirty-five years, female teacher thirty years active service, fifteen of which, including the last ten, shall have been in the school district.	Ten years' service in district.	Not to exceed \$40 a month to any male teacher sixty-years of age or any female teacher fifty-five years of age.	Amount of allowance dependent on provisions made by trustees.
Illinois, Revised Statutes 1917, pp. 538-540.	Twenty years in the service and contributed to fund for ten years and attained age of fifty years.	Five years or more. . . .	Fifty per cent of monthly salary or wages at date of retirement.	To receive benefits for a period of two years. May be extended on proof of continued disability.
Revised Statutes 1917, pp. 567-573.	Not less than twenty years and attained the age of fifty-five years. Civil war veteran may retire after service of not less than ten years and who is sixty-five years old.	Five years or more. . . .	Fifty dollars a month. If member retires before deductions for period of twenty years have been made the difference between amount paid in and amount due shall be deducted from his retirement allowance and paid into fund within four years after retirement.	Fifty dollars a month. Same provision relative to deductions to apply.
Revised Statutes 1917, pp. 828-831.	In service not less than twenty years and attained age of fifty-five years.	In service a period of five years or more.	Fifty dollars a month. If member retires before deductions for a period of twenty years have been made the difference between amount paid in and amount due shall be deducted from his retirement allowance and paid into fund within thirty days after retirement.	Fifty dollars a month for not to exceed two years unless extended by board. Same provisions relative to deductions to apply.
Revised Statutes 1917, pp. 435-438.	Full term of ten years. . .	No definite period fixed	Six hundred dollars a year or such less sum as board may fix.	Six hundred dollars a year or such less sum as board may fix.
Revised Statutes 1917, pp. 455-460.	Twenty years or more, of which last two years shall be continuous.	No definite period fixed. .	One-half of salary received at date of retirement.	For permanent disability, physical or mental, one-half of monthly salary received at date of retirement.
Revised Statutes 1917, pp. 461-466.	Twenty years, of which the last five shall be continuous. When such retired firemen attain age of fifty years his allowance to begin.	No definite period fixed.	Equal to one-half the monthly salary received at date of retirement but not to exceed \$3000 nor be less than \$600.	Equal to one-half the monthly salary received at date of retirement but not to exceed \$3,000 nor be less than \$600.
Revised Statutes 1917, pp. 466-469.	Twenty-two years or more, of which the last two years shall be continuous and attained age of fifty years.	No definite period fixed.	Equal to one-half the monthly salary received at date of retirement.	Equal to one-half the monthly salary received at date of retirement.
Revised Statutes 1917, pp. 438-443.	Twenty years or more. . .	No definite period fixed.	Equal to one-half salary received for the year preceding retirement. Maximum \$900 and minimum not less than \$600.	Equal to one-half salary received at date of retirement. Maximum \$900 and minimum not less than \$600.
Revised Statutes 1917, pp. 443-447.	Twenty years or more and attained age of fifty years.	No definite period fixed.	Equal to one-half the amount of salary received for the year preceding retirement. Maximum \$600.	Equal to one-half of salary received at date of retirement, but not to exceed \$600.

NOTE.— For continuation of this table, see page 3920.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	YEARS OF SERVICE BEFORE ALLOWANCE BEGINS		AMOUNT OF RETIREMENT ALLOWANCE	
	Without disability	With disability	Without disability	With disability
Revised Statutes 1917, pp. 447-455.	Twenty years or more and attained age of fifty years.	No definite period fixed.	Equal to one-half the amount of salary received for one year preceding retirement. Maximum for general superintendent of police \$1,300; first deputy superintendent of police \$1,150; captain \$1,100; lieutenant \$1,000; all others \$900; minimum \$600.	Equal to one-half the amount of salary received at date of retirement. Maximum and minimum same as in adjoining column.
Revised Statutes 1917, pp. 2147-2153.	Twenty years or more and attained age of fifty or more years.	No definite period fixed.	Equal to one-half of salary received for year preceding retirement. Maximum \$1,100; minimum \$600.	Equal to one-half of salary received at date of retirement. Maximum \$1,100; minimum, \$600.
Revised Statutes 1917, pp. 1648-1653.	Twenty years or more.	Three years or more.	Six hundred dollars a year.	Six hundred dollars a year.
Revised Statutes 1917, pp. 1866-1869.	Attained age of fifty-five years and in the service ten years and contributed to fund for ten years.	Ten years or more and contributed to fund for a like period.	Annuity proportionate to the amount of contributions, but not to exceed \$600 a year.	To receive for two years such annuity as trustees may determine.
	Twenty years or more and contributed to fund for not less than five years.			
Revised Statutes 1917, pp. 2663-2666; 2745-2749.	Twenty-five years' service. In districts in which not sufficient revenue to maintain a pension fund, the school district may be a majority vote establish a fund to retire teachers over 50 years old and who have taught in district twenty-five years.	Fifteen years of service.	Not to exceed \$400 a year. Teachers who are over 50 years of age and have taught in district twenty-five years to receive not to exceed one-half the annual compensation, Maximum, \$400.	Such proportion of \$400 as the sum contributed bears to the total contributions required for a full annuity.
Revised Statutes 1917, pp. 2674-2679.	Twenty-five years' service.	Fifteen years' service.	Four hundred dollars a year.	Such proportion of \$400 as the sum contributed bears to the total contribution required for a full annuity.
Revised Statutes 1917, pp. 2720-2721.	Service aggregating twenty years by female teacher or school employee. Twenty-five years by male teacher or school employee. Three-fifths of term in city in which board of education has jurisdiction.	No definite period fixed.	Equal to one-half the salary received at date of retirement, but not to exceed \$600 a year.	
Revised Statutes 1917, pp. 2721-2724.	Twenty years or more. Attained age of 55 years and in service for ten years.	Ten years or more and after giving board one year's notice.	Not to exceed \$600 a year, after twenty years' service. If retiring at age 55, and after ten years' service, the pension shall be proportionate to the amount of contributions.	To receive for two years such annuity as the trustees may determine. Upon proof of continued disability term may be extended.
Revised Statute 1917, pp. 2749-2756; 2756-2760.	Twenty-five years in the public schools of the United States, fifteen of which in the State, and attained age of 50 years.	Fifteen years in the public schools, two-fifths of which may have been outside the State.	Sixteen dollars for each year of service, but not to exceed \$400 in any one year.	Sixteen dollars for each year of service, but not to exceed \$400 in any one year.

NOTE.—For continuation of this table, see page 3920.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	YEARS OF SERVICE BEFORE ALLOWANCE BEGINS		AMOUNT OF RETIREMENT ALLOWANCE	
	Without disability	With disability	Without disability	With disability
Indiana Annotated Statutes 1914, Vol. 4, pp. 371-378; Acts 1919, pp. 802-804.	Twenty-five years in the service. Member may be discharged from force after serving not less than twenty years.	No definite period fixed.	Not less than \$20 nor more than \$40 a month. Member discharged after serving not less than twenty years to receive not less than \$15 nor more than \$30 a month. Veteran volunteer firemen 50 years of age to be paid \$3 a month for life.	Permanently disabled members to receive not less than \$25 nor more than \$50 a month.
Annotated Statutes 1914, Vol. 4, pp. 365-370; Acts 1919, pp. 72-79.	Twenty, or twenty-five years' service.	Less than five years if injured in actual discharge of duties, Over five years if suffering from any physical or mental disability.	In the service twenty years, \$40 a month. In the service twenty-five years, \$50 a month.	Temporary benefits not to exceed \$50 a month. Permanent retirement on account of disability, a pension not to exceed \$40 a month.
Annotated Statutes 1914, Vol. 3, pp. 353-358; Supplement 1918, pp. 384-386.	Forty years' service to receive maximum pension. Not less than twenty-five years.	Not less than fifteen years.	Maximum, \$600 a year....	Each beneficiary entitled to such percentage of \$600 as the number of years of teaching bears to forty years.
Annotated Statutes 1914, Vol. 3, pp. 358-362; 363-367.	Thirty years' service. Teacher retiring before thirty years not entitled to an annuity unless granted by the board,	No definite period fixed.	Twenty years' service, \$300; twenty-one years' service, \$325; twenty-two years' service, \$350; twenty-three years' service, \$375; twenty-four years' service, \$400; twenty-five years' service, \$430; twenty-six years' service, \$460; twenty-seven years' service, \$490; twenty-eight years' service, \$525; twenty-nine years' service, \$560; thirty years' service or more, \$600.	.....
Annotated Statutes Supplement 1918, pp. 386-396.	Thirty-five years or more of teaching service, twelve of which may have been in public schools outside State,.	Twenty-five years or more of teaching service.	Thirty-five years service, \$600; thirty-six years service, \$620; thirty-seven years service, \$640; thirty-eight years service, \$660; thirty-nine years service, \$680; forty years service, \$700.	Twenty-five years' service \$350; twenty-six years' service, \$375; twenty-seven years service, \$400; twenty-eight years service, \$425; twenty-nine years service, \$450; thirty years' service, \$475; thirty-one years' service, \$500; thirty-two years' service, \$525; thirty-three years service, \$550; thirty-four years services \$575.
Iowa, Annotated Code Supplement 1913, pp. 342-344; 344-347. Acts 1917, pp. 42-43. Acts 1917, pp. 422-423.	Twenty-two years of service and attained age of 50 years.	Five years' service unless disability acquired in that service.	Equal to one-half salary received at date of retirement.	Equal to one-half salary received at date of retirement.
	Thirty-five years, fifteen of which shall have been in the city, and attained age of 55 years.	Twenty years, ten of which shall have been in the city.	Three hundred and sixty dollars.	Such proportion of \$360 as age shall bear to 55 years.
Kansas, General Statutes, 1915, pp. 248-250.	Twenty-two years, of which the last two years shall be continuous and attained age of fifty years.	No definite period fixed.	Equal to one-half salary received at date of retirement.	Not to exceed one-half salary at date of disability.

NOTE.—For continuation of this table, see page 3920.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	YEARS OF SERVICE BEFORE ALLOWANCE BEGINS		AMOUNT OF RETIREMENT ALLOWANCE	
	Without disability	With disability	Without disability	With disability
Kansas, General Statutes 1915, pp. 248-250.		Twenty-five years of service and attained age of sixty and become incapacitated by reason of age or bodily infirmity.		Fifty per cent of salary received at date of retirement.
Laws 1919, pp. 161-162.	Twenty-two years or more of which last two years shall be continuous and attained age of fifty years.	No definite period fixed.	Equal to one-half salary received at date of retirement.	Equal to one-half salary received at date of retirement.
General Statutes 1915, pp. 1845-1846.	Thirty years, at least fifteen years shall have been in the public schools of such city.	Twenty-five years or more, fifteen of which shall have been in the public schools of such cities.	Five hundred dollars a year.	Such percentage of \$500 as the number of years of teaching shall bear to thirty years.
Kentucky, Statutes 1915, vol. 2, pp. 1474-1478; 1493-1497.	No definite period fixed.	No definite period fixed.	Thirty dollars a month.	Temporary disability, physical or mental, full pay for not to exceed one year. Permanent disability, \$30 a month.
Statutes 1915, Vol. 2, pp. 1529-1535.	Thirty years in the schools of the city.	Twenty years in the schools of the city.	Four hundred dollars based on forty years of service. For service less than forty years the annuity to bear the same ratio to \$4.00 as time taught is to forty years.	Same provisions as in adjoining column.
Statutes 1915, Vol. 2, pp. 1724-1728.	Twenty-five years. Twenty in State; last fifteen of which in city.	Fifteen years in the State; last ten of which in city.	Thirty per cent of average salary of last five years before retirement, with 2 per cent additional for each year in excess of twenty-five years. No annuity to exceed fifty per cent of average salary for past five years before retirement. Maximum annuity \$600.	Same fraction of maximum annuity as period of service is of thirty-five years.
Louisiana, Acts 1914, pp. 85-91.	Twenty-five years' service, the last two of which shall be consecutive.	No definite period fixed.	Not to exceed one-half the salary received at date of retirement.	Not to exceed one-half the salary received at date of retirement.
Annotated Statutes, Vol. 3, pp. 1933-1938.	Not less than twenty consecutive years.	No definite period fixed.	Not to exceed one-half of the salary received at date of retirement.	Permanent disability, one-half the salary received at date of retirement. Permanent total disability, two-thirds of salary received at date of retirement.
Laws 1910, pp. 15-18.	Twenty years' service and attained the age of sixty years.	Twenty years' service and becomes incapacitated or superannuated. No definite period for disability.	Not to exceed one-half of salary at date of retirement.	Not to exceed one-half of salary at date of retirement.
Annotated Statutes, Vol. 1, pp. 874-885.	Thirty years' service, ten of which shall have been in city.	Five years in the city schools.	One-half average salary for last five years; minimum \$300, maximum \$600. At age of sixty-five as many fortieths of salary above noted as years of service.	Same as in adjoining column.

NOTE.—For continuation of this table, see page 392).

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	YEARS OF SERVICE BEFORE ALLOWANCE BEGINS		AMOUNT OF RETIREMENT ALLOWANCE	
	Without disability	With disability	Without disability	With disability
Maine, Laws 1909, p. 714.	Fifteen years of service and attained age of sixty years.	No definite period fixed.	Not to exceed one-half of salary received at date of retirement.	Not to exceed one-half of salary received at date of retirement.
Laws 1905, pp. 422-423.	Not less than twenty years.	No definite period fixed.	One dollar a day	Two dollars a day to those totally disabled or receiving injuries causing death.
Laws 1919, p. 35 . . .	Twenty-five consecutive years or more and with a good record.	.....	Not to exceed one-half the average wages or salary received for five years previous to retirement.	.....
Revised Statutes 1916, p. 1596.	Thirty years' service or who after twenty years continuous service has attained age of sixty years and has a good record.	.....	Equal to one-half of salary received at date of retirement.	.....
Revised Statutes 1916, pp. 1637-1638.	.....	Twenty-five years' continuous service and incapacitated for active duty.	.....	Equal to one-half of compensation received at time of retirement.
Revised Statutes 1916, pp. 395-396; Laws 1919, p. 83.	Thirty-five years' service, twenty years of which including the fifteen years immediately preceding retirement shall have been in State and attained age of sixty years.	.....	Thirty-five years' service, \$250. Thirty years' service, \$200. Twenty-five years' service, \$150. Teacher who retired prior to September, 1913, to receive half of pension above noted.	.....
Maryland, Laws 1916, pp. 1051-1052.	.....	Injury or death arising from service at any time.	.....	Three hundred and sixty dollars a year if without other means of comfortable support.
City Charter 1900, secs. 70 and 415.	After twenty consecutive years of faithful service.	No definite period fixed.	One-half of annual salary at date of retirement.	One-half of annual salary at date of retirement.
Laws 1898, pp. 537-538; Laws 1900, pp. 401-405.	After sixteen years of service.	No definite period fixed.	One-half of annual salary at time of retirement.	One-half of annual salary at time of retirement.
Laws 1916, pp. 939-990.	.....	No definite period for injuries. Not less than ten years in service of city.	.....	Reasonable provision. It may take the form of retirement or assignment to lighter duties at reduced pay.
Annotated Code, Vol. 3, pp. 814-815.	.....	Twenty-five years of service in state and attained sixty years of age and without means of comfortable support.	.....	Two hundred dollars if unable by reason of physical or mental infirmity to teach longer.
Laws 1912, pp. 145-155.	Thirty-five years service.	Twenty years service....	One-half average annual salary for last five years. Minimum \$360; maximum \$600.	Same as adjoining column.
Laws 1903, pp. 505-603.	Forty years service, twenty of which shall have been in city.	Twenty years service....	One-half average annual salary for last five years. Minimum \$360; maximum \$600.	Sum bearing same ratio to full annuity as the number of years taught bears to forty years.
Massachusetts, Acts 1910, pp. 705-715.	Fifteen years continuous service and attained age of sixty years may be retired.	.....	Annuity to which the sum of his deposits with regular interest shall entitle him; minimum \$200; maximum one-half the average wage or salary received during ten years preceding retirement.	.....
Acts 1911, pp. 299-309.	Attained age of seventy years shall be retired.	.....	.....	.....
Acts 1911, pp. 718-727; Acts 1918, pp. 277-231.	Thirty-five years continuous service may retire or be retired.	.....	.....	.....

NOTE.—For continuation of this table, see page 3920.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	YEARS OF SERVICE BEFORE ALLOWANCE BEGINS		AMOUNT OF RETIREMENT ALLOWANCE	
	Without disability	With disability	Without disability	With disability
Mass.—(cont'd) Acts 1912, pp. 449-450.	Not less than twenty-five years and attained the age of sixty-five years.	Not less than twenty-five years and attained age of sixty years and physically or mentally incapacitated. Not less than fifteen years and physically or mentally incapacitated by reason of an injury.	Equal to one-half the average annual compensation paid during the two years preceding retirement.	Same as adjoining column.
Acts 1913, pp. 308-309.	Not less than twenty-five years and attained the age of seventy years.	Not less than twenty-five years and attained age of sixty years and who is physically incapacitated.	Equal to one-half compensation paid during year preceding retirement. Maximum \$360.	Same as adjoining column.
Acts 1898, Ch. 267 and subsequent laws.	In cities after twenty-five years of service and attained age of sixty years shall be retired at own request. In towns after twenty-five years of continuous service and attained age of sixty years, may be retired.	After twenty-five years of service any permanent man shall be retired if unfit for service. Permanent or call men retired at any time if injured in line of duty.	In cities one-half of annual salary received during last year of service. In towns one-half compensation received at time of retirement.	Same as adjoining column.
Acts 1890, Ch. 450; Acts 1902, Ch. 108; Acts 1906, Ch. 171.				Amount determined by board for relief of firemen injured in performance of duty.
Acts 1880, Ch. 107 and subsequent acts.	After twenty-five years of service and attained age of fifty-five years retirement compulsory if member requests. After fifteen years consecutive service board may retire. Board may retire all former call substitutes serving not less than fifteen years and were honorably discharged.	At any time if incurred in line of duty. At any time if incapacitated physically or mentally for duty.	Equal to one-half annual salary at time of retirement after twenty-five years service. Same amount after fifteen years service if a permanent man and the same to a call man with the addition of such further sum as commission decides.	For total disability in line of duty, two-thirds of annual salary.
Acts 1892, Ch. 378 and amendments.	Fifteen years of faithful service and has attained age of sixty-five years.	Not less than twenty years of faithful service.	Not to exceed one-third of annual compensation if retired by reason of age or service.	Not to exceed one-half of annual compensation received at time of retirement.
R. L. of 1902, Ch. 108, sec. 31; Acts 1901, Ch. 377.		At any time if disability occurs in line of duty.	One-half of annual salary received at time of retirement.	One-half of annual salary received at time of retirement.
Acts 1904, Ch. 327.	After twenty-five years of continuous service and attained age of 60 years.	At any time if disability occurs in line of duty.	One-half of annual salary received at time of retirement.	One-half of annual salary received at time of retirement.
Acts of 1878, Ch. 244 and subsequent amendments.	After twenty years of service without regard to age shall be retired at request. After twenty-five years of service and sixty years of age and member shall be retired at request. After sixty-five years of age, retirement compulsory. Civil war veterans at sixty years.	After fifteen years of service. At any time if disability occurs in line of duty.	One-half of annual salary received at time of retirement.	One-third of annual salary received at time of retirement for disability incurred after fifteen years and less than twenty years service.
Acts 1909, Ch. 453; Acts 1913, Ch. 345		After twenty years of continuous service. At any time if disability incurred in line of duty.	One-half of annual salary received at time of retirement.	One-half of annual salary received at time of retirement.

NOTE.—For continuation of this table, see page 3920.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	YEARS OF SERVICE BEFORE ALLOWANCE BEGINS		AMOUNT OF RETIREMENT ALLOWANCE	
	Without disability	With disability	Without disability	With disability
Mass.—(con 'd) Acts 1911, Ch. 675.		After twenty years of service. At any time if incurred in line of duty.		One-half of annual salary
Acts 1913, Ch. 832; Acts 1915, Ch. 197; Acts 1916, Chs. 60, 238, 257; Acts 1917, Ch. 233; Acts 1918, Ch. 257.	Retirement optional at age of sixty; compulsory at seventy.	If under age of sixty, twenty years service in state, including the last five.	Annuity purchasable by teachers' contributions. State grants pension of equal amount. Maximum at age of sixty, annuity \$500; pension \$500. Total maximum retiring allowance at age of sixty, \$1,000.	Annuity earned by teacher's contributions, plus a pension equal to the same fraction of the pension which would have become due at age of sixty after thirty annual contributions as number of years of service is of thirty. Minimum one-thirtieth of \$250 for each year of service.
Acts 1908, Ch. 589; Acts 1910, Ch. 617; Acts 1912, Ch. 569.	Thirty years of service, ten of which in city, and attained age of 65 years. Retirement compulsory at age of 70.	Discretion of school committee.	One-third of salary at retirement; minimum, \$312; maximum, \$600.	Sum bearing same ratio to full annuity as time taught bears to thirty.
Acts 1911, Ch. 532; Acts 1912, Ch. 363; Acts 1914, Chs. 419, 582; Acts 1915, Ch. 198; Acts 1916, Ch. 164; Acts 1918, Ch. 257.	Fifteen years continuous service and attained age of 60 years may retire or be retired. At age of 70 years must retire. After thirty-five years continuous service member may retire or be retired.	Fifteen years continuous service.	Minimum, \$200 a year; maximum, one-half the average annual rate of salary received during ten years prior to retirement.	Same as adjoining column.
Acts 1900, Ch. 237; Acts 1902, Ch. 233.	Thirty years of service ten in city.	Two years in city.....	One hundred and twenty dollars.	One hundred and twenty dollars.
Acts 1912, p. 722.		Not less than twenty years and incapacitated. At any time if disability incurred in line of duty.		Equal to one-half of compensation received at time of retirement.
Acts 1910, Ch. 540; Acts 1918, Ch. 257.	Service in any or all courts for at least ten consecutive years and attained age of 70 years.	Service for at least fifteen consecutive years in any or all courts and attained age of 60 years.	Equal to three-fourths of annual salary.	Same as adjoining column.
Acts 1911, Chs. 231, 682.	Service as justice of a district, municipal or police court for at least twenty consecutive years and attained age of 70 years.		Equal to three-fourths of annual salary.	
Acts 1916, Ch. 273; Acts, 1908, Ch. 606; Acts 1911, Ch. 673.	Faithful service not less than thirty years.	With a good record and in service not less than twenty years and attained age of 65 years.	One-half of annual salary at time of retirement.	Same as adjoining column.
Acts 1912, Ch. 723; Acts 1916, Ch. 225.	Not less than twenty consecutive years and attained age of 70 years.	At any time if disability incurred in line of duty.	Equal to one-half compensation received at time of retirement.	Same as adjoining column.
Acts 1913, Ch. 71.		Not less than fifteen years service and attained age of 60 years. Not less than ten years and injury received in line of duty.		Three dollars a week,

NOTE.—For continuation of this table, see page 3920.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	YEARS OF SERVICE BEFORE ALLOWANCE BEGINS		AMOUNT OF RETIREMENT ALLOWANCE	
	Without disability	With disability	Without disability	With disability
Mass.—(cond'd) Acts 1918, Ch. 172.	Fifteen years continuous service and attained age of 60 years.	Fifteen years continuous service.	Six dollars a week.	Six dollars a week.
Michigan. Local Acts 1885, No. 386.	After twenty-five years of service if unable to perform duties.	At any time if disability incurred in line of duty.	One-half of annual salary at time of retirement.	Same as adjoining column.
Local Acts 1891, No. 309.	After twenty years service if unable to perform duties.	At any time if disability incurred in line of duty.	One-half of annual salary at time of retirement, not to exceed \$450.	Same as adjoining column.
Local Acts 1893, Ch. 372.	After twenty-five years of active service.	At any time if disability incurred in line of duty.	One-half of annual salary at time of retirement.	Same as adjoining column.
Public Acts 1915, No. 174, pp. 286- 292.	Class 1: Thirty years service, fifteen of which including last five shall have been in schools of the State. Class 2: Twenty-five years service, fifteen of which including last five shall have been in schools of State.	Fifteen years service, including last five, in the schools of the State.	Class 1: One-half average salary for last five years, minimum, \$300; maximum, \$500. Class 2: Sum bearing same ratio to full annuity for thirty years of service as total years of service of teacher are to thirty years.	As many thirtieths of the full annuity as teacher has taught years in the State.
Acts 1895.	Thirty years service in State, including twenty to twenty-five in city. Trustees may retire after twenty-five years, fifteen of which shall have been in city.	Twenty years service in State, including ten in city.	Four hundred dollars.	Four hundred dollars.
Minnesota, Laws 1919, pp. 504-506.	Twenty years or more and attained age of 50 years.	At any time if disability incurred in line of duty.	Fifty dollars a month.	Fifty dollars a month.
Laws 1919, pp. 712- 729.	Employs in non-contributing class twenty or more periods of five or more months each in not to exceed an equal number of years, the last two to precede retirement and attained age of 55 or age of 70. Class A: Thirty years or more in service. Class B: Twenty-five years or more in service. Class C: Twenty to twenty-five years of service.	At any time if disability incurred in line of duty. Ordinary disability not incurred in line of duty, ten or more years service required.	To each employe in the non-contributing class not to exceed \$500. Class A: 60 per cent average annual basic pay for the ten years next preceding date of retirement; not to exceed \$600 a year for persons under 65 years, or \$660 over 65 years. Class B: 50 per cent for ten years next preceding date of retirement; not to exceed \$500 a year for persons under 65 years, or \$550 over 65 years. Class C: 40 per cent for ten years next preceding date of retirement, not to exceed \$400 a year for persons under 65 years, or \$440 over 65 years.	Class A: 30 per cent of average annual basic pay for the ten years next preceding date of retirement, not to exceed \$360 a year. Class B: Actuarial equivalent of the net amount of the accumulations, with compound interest at 4 per cent of the contributions made by the employe and the city.
Laws 1919, Ch. 23 (Extra Session).		Twenty years in service and attained age of 65 years.		An amount equal to his monthly salary each month for a period not to exceed three months.
General Statutes 1913, pp. 748- 752; Supp. 1917, p. 334; Laws 1919, pp. 729-731.	After twenty years of service and attained age of 50 years.	At any time if disability incurred in line of duty.	Not to exceed \$40 a month.	Not to exceed \$40 a month.
Statutes, Supp. 1917, pp. 335-338.	Twenty-two years the last two of which shall be continuous and attained age of 50 years.	At any time if disability incurred in line of duty.	Not to exceed \$60 a month.	Not to exceed \$60 a month.

NOTE.— For continuation of this table, see page 3920.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	YEARS OF SERVICE BEFORE ALLOWANCE BEGINS		AMOUNT OF RETIREMENT ALLOWANCE	
	Without disability	With disability	Without disability	With disability
Minn.—(<i>concl'd</i>) Acts of 1892.....	After 20 years of service if 50 years of age.	At any time if disability incurred in line of duty.	Four hundred eighty dollars.	If totally disabled \$480. If partial disability \$180 to \$300.
Acts of 1892.....	After 20 years of service and 50 years of age if a member of association 10 years.	At any time if disability incurred in line of duty	Four hundred eighty dollars.	If totally disabled \$480. If partial disability \$180 to \$300.
Laws 1919 pp. 151-154.	Twenty years or more and attained age of 50 years.	At any time if disability incurred in line of duty.	Thirty dollars a month. Amount may be increased or decreased.	Same as adjoining column.
Statutes, Supp. 1917, pp. 117-119.	Over 20 years of service and attained age of 50 years.	At any time if disability incurred in line of duty.	Not to exceed \$75 a month.	Not to exceed \$75 a month.
Laws, 1903, pp. 231-233; Laws 1919, pp. 159-160.	After 20 years of service and attained age of 50.	At any time if disability incurred in line of duty.	Not to exceed \$50 a month.	Not to exceed \$50 a month.
Acts 1903, Ch. 159 with amendments.	After twenty years of service if fifty-five years of age.	At any time if disability incurred in line of duty.	Forty dollars a month.	Thirty dollars a month.
Acts 1903, Ch. 159 with amendments.	After 20 years of service if 50 years of age.	At any time if disability incurred in line of duty.	Forty dollars a month.	Thirty dollars a month.
Laws 1919, pp. 552-554.	Twelve years or more of service and attained age of 50 years or more.	At any time if disability incurred in line of duty.	Not less than \$25 a month for service of twelve years or more.	Same amounts as in adjoining column.
	Twenty years of service and attained age of 50 years or more.		Not to exceed \$50 a month for service of twenty years or more.	
Statutes Supp. 1917, pp. 289-294.	Twenty years service, 15 of which including the last five shall have been in public schools of State.	Fifteen years of service, ten of which shall have been in the State.	Twenty years service, \$350; twenty-one years service, \$380; twenty-two years service, \$410; twenty-three years service, \$440; twenty-four years service, \$470; twenty-five years service, \$500.	Same percentage of \$350 as time taught is to twenty years.
Minnesota, General Statutes 1913, pp. 292-293.	Twenty years in service, ten of which shall have been in city.	Two years in the city.	Three hundred thirty-three dollars, one-third with an additional sixteen two-thirds for each year of service up to \$500 after thirty years.	Such benefits determined by the trustees as funds of the association permit.
General Statutes 1913, pp. 292-293.	Twenty-five years of service.	Five years in the city.	Four hundred eighty dollars.	Same ratio of \$480 as time is of twenty-five years.
Mississippi.				
Missouri, Revised Statutes 1909, Vol. 3, pp. 3095-3101; Laws 1919, pp. 582-589.	Twenty years or more of service, last two of which shall have been continuous.	At any time on account of disability.	Such sum as may be determined by the rules and regulations.	Same as adjoining column.
Revised Statutes, 1909, Vol. 3, pp. 3091-3095.	Twenty-two years or more of which the last two years shall have been continuous and attained age of 50 years.	At any time if disability incurred in line of duty.	Equal to one-half salary received at date of retirement.	Equal to one-half salary received at date of retirement.

NOTE.— For continuation of this table, see page 3920.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	YEARS OF SERVICE BEFORE ALLOWANCE BEGINS		AMOUNT OF RETIREMENT ALLOWANCE	
	Without disability	With disability	Without disability	With disability
Montana, Revised Codes 1907, Vol. 1, p. 980; Ibid. 1915, Vol. 3, pp. 503-506; Laws 1919, pp. 127-128.	Twenty years or more and attained age of 50 years.		Not to exceed one-half of salary received at date of retirement.	
Revised Codes, 1915, Vol. 3, pp. 1007-1012.	Twenty-five years of service of which fifteen years including last ten shall have been in State.	Fifteen years of service in State.	\$600 a year.	Same percentage of \$600 as time taught is of twenty-five years.
Nebraska, Revised Statutes, 1913, pp. 707-708.	After twenty-one years of service.	At any time if disability incurred in line of duty.	One-half of annual salary at time of retirement, not over \$50 monthly.	Same as adjoining column.
Nebraska, Revised Statutes, 1913, pp. 708-709; Laws 1915, pp. 123-124.		At any time if disability incurred in line of duty.		In cities \$7 to \$15 weekly during disability, and not more than \$500 for any one injury. In towns \$2 to \$5 weekly and not more than \$100 for any one injury.
Revised Statutes, 1913, pp. 1208-1211; Laws 1917, pp. 243-244.	Twenty years or more and attained age of 50 years.	At any time if disability incurred in line of duty.	Equal to one-half of salary received at date of retirement. Pension shall be not less than \$50 a month.	For permanent disability same as in adjoining column. For temporary disability to draw his regular salary for not to exceed three months.
Revised Statutes 1913, pp. 1960-1962.	Thirty-five years service, twenty of which shall have been in city. Compulsory after forty years teaching.	Twenty-five years service, twenty of which shall have been in city.	\$500.	Same ratio to \$500 as time taught bears to thirty-five years.
Nevada, Statutes 1915, pp. 303-308.	Thirty years of service fifteen of which including last five shall have been in the State.	Fifteen years service in the State.	\$500.	Same percentage of \$500 as time taught is of thirty years.
New Hampshire, Public Statutes and Session Laws 1901, p. 569; Ibid 1901-1913, pp. 83-84; Laws 1917, pp. 749-750.	After twenty-five years of service in the district.	At any time if disability incurred in line of duty.	Not less than \$100 nor more than \$500. Based on not less than twenty-five years service.	If permanently disabled in line of duty not less than \$100 nor more than \$500.
Laws, 1915, pp. 223-228.	Class 1: Thirty for women and attained age 55; thirty-five for men and attained age of 60; fifteen years of which service including last ten shall have been in State. Class 2: Fifteen years service; same age requirements.		Class 1: One-half average salary for last five years preceding retirement. Class 2: Percentage of total pension as years taught bear to thirty for women and thirty-five for men.	Percentage of total pensions as years taught bear to thirty for women and thirty-five for men. Service to include years of enforced idleness.
New Jersey, Laws 1918, p. 489.	Twenty-five years continuous service and attained age of 79 years.		One-half of salary received at time of retirement.	

NOTE.— For continuation of this table, see page . 3920

DIGEST OF THE RETIREMENT PENSION LAWS — (*Continued*)

STATE	YEARS OF SERVICE BEFORE ALLOWANCE BEGINS		AMOUNT OF RETIREMENT ALLOWANCE	
	Without disability	With disability	Without disability	With disability
New Jersey— (<i>cont'd</i>)				
Public Laws 1902, Ch. 270 and subsequent amendments.	After twenty years of service and attained age of 60 years.	At any time if disability incurred in line of duty. Incapacity from any cause after twenty years service.	One-half of annual salary received at time of retirement.	Same as adjoining column.
Public Laws 1905, Ch. 65 and subsequent amendments.	After twenty-five years of service if 55 years of age.	At any time if disability incurred in line of duty.	One-half of annual salary received at time of retirement.	Same as adjoining column.
Laws 1902, Ch. 270; Laws 1908, Ch. 142; Laws 1912, Ch. 240.	After twenty years of service and attained age of 60 years.	At any time if disability incurred in line of duty. After twenty years of service if caused by reason of old age.	One-half of annual salary received at time of retirement.	Same as adjoining column.
Compiled Statutes 1911-1915, pp. 620-623.	Twenty years service and attained age of 50 years.	At any time if disability from injury or sickness incurred in line of duty. Nine years service and disability arising from causes other than injuries in line of duty.	Equal to one-half of salary received at time of retirement.	Same as adjoining column.
Compiled Statutes 1911-1915, pp. 623-627; Laws 1917, pp. 122-126; Laws 1916, pp. 602-603.	Twenty years service and attained age of 50 years.	At any time if disability from injury or sickness incurred in line of duty. Nine years service and disability arising from causes other than injuries in line of duty.	Equal to one-half of salary received at time of retirement.	Same as adjoining column.
Compiled Statutes 1911-1915, pp. 653-655; Laws 1916, p. 298.	Twenty years service and attained age of 60 years. Twenty years service and attained age of 50 years.	At any time if disability incurred in line of duty.	Equal to one-half salary received at time of retirement.	Same as adjoining column.
Compiled Statutes 1911-1915, pp. 667-668.	Twenty years and attained age of 50 years.	Twenty years service and attained age of 60 years and physically unfit for further service.	Equal to one-half pay received at time of retirement.	Same as adjoining column.
Compiled Statutes 1911-1915, pp. 662-665.				
Acts of 1895, Ch. 91; Acts of 1910, Ch. 48.	After twenty years of service if 60 years of age.	At any time if disability incurred in line of duty.	One-half of salary received at time of retirement.	Same as adjoining column.
Compiled Statutes 1911-1915, pp. 276-280; Laws 1919, pp. 615-617.	An aggregate of twenty-five years service.	At any time if disability incurred in line of duty.	Twenty per cent of annual salary based on five years service to be increased at the rate of 2 per cent for each additional year over five years until amount is 50 per cent of salary received.	Same as adjoining column.
Compiled Statutes Vol. 3, pp. 3787-3788; Laws 1919, p. 253.	Not less than twenty-one years and attained age of 70 years.	At any time if disability shall have developed or occurred during term of service.	Equal to one-third annual salary received at time of retirement.	Same as adjoining column.
Laws 1918, pp. 978-979.	Not less than fifteen years and attained age of 75 years.		Equal to one-third annual salary received at time of retirement.	
Laws 1919, pp. 260-261.	Twenty-five years continuous service and attained age of 70 years.		Equal to one-half of the salary received at time of retirement.	

NOTE.—For continuation of this table, see page 3920.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	YEARS OF SERVICE BEFORE ALLOWANCE BEGINS		AMOUNT OF RETIREMENT ALLOWANCE	
	Without disability	With disability	Without disability	With disability
<p>New Jersey— (concl'd) Laws 1919, pp. 157-186.</p>	<p>Member who has attained the age of 62 years and completed thirty-five years service may retire or upon the request of his employer shall be retired.</p> <p>After January 1, 1926, a member who has attained age of 70 years shall be retired.</p> <p>Twenty or more years of service and attained age of 62 years.</p>	<p>Ten years of service in the state and a member of the retirement system for ten years.</p>	<p>Class I: Present entrants to fund to receive an allowance as follows: (a) An annuity which shall be the actuarial equivalent of his accumulated deductions at time of retirement; (b) A pension, in addition to the annuity, of one one-hundred and fortieth of his average salary multiplied by the number of years of service rendered; (c) A further pension of one-seventieth of his average salary multiplied by the number of years of service certified on his prior service certificate; (d) If a former member of the teachers' retirement fund prior to becoming a member of the retirement system, a further additional pension which shall be the actuarial equivalent of the contributions without interest, which he paid to the teachers' retirement fund prior to Sept. 1, 1919, and not otherwise received.</p> <p>Class 2: A new entrant shall receive a retirement allowance to consist of: (a) An annuity which shall be the actuarial equivalent of his accumulated deductions at the time of retirement; (b) A pension in addition to the annuity of one one-hundred and fortieth of his average salary multiplied by the number of years of his total service. Minimum allowance for twenty years or more of service at age 62, \$400.</p>	<p>(a) An annuity which shall be the actuarial equivalent of his accumulated deductions at the time of retirement. (b) A pension which with annuity to produce an allowance of one-seventieth of his average salary multiplied by the number of years of total service but not less than \$300 or 30 per cent of salary. In no case shall allowance exceed nine-tenths of the rate of allowance to which he might have been entitled had retirement been deferred until age of 62. (c) If a former member of the teachers' retirement fund prior to becoming a member of the retirement system, a further additional pension which shall be the actuarial equivalent of the contributions without interest, which he paid to the teachers' retirement fund prior to Sept. 1, 1919, and not otherwise received.</p>
<p>Laws 1919, p. 340.</p>	<p>Thirty years or more of continuous service and attained age of 60 years.</p>	<p>Same as adjoining column.</p>	<p>Equal to one-half salary received at time of retirement.</p>	<p>Same as adjoining column.</p>
<p>Compiled Statutes 1911-1915, p. 1164.</p>				
<p>New Mexico. New York Education Law, Sections 1095-1099a.</p>	<p>Thirty years of service the last ten of which shall have been in any college, school or institution supported by the state.</p>	<p>Twenty years of service ten of which shall have been in any college, school or institution supported by the state.</p>	<p>Equal to one-half salary received at time of retirement; maximum \$1,000; minimum \$300.</p>	<p>Same as adjoining column.</p>

NOTE.—For continuation of this table, see page 3920.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	YEARS OF SERVICE BEFORE ALLOWANCE BEGINS		AMOUNT OF RETIREMENT ALLOWANCE	
	Without disability	With disability	Without disability	With disability
New York—(cont'd) Education Law, Sections 1100-1109c; Laws 1919, Ch. 103, pp. 198-201.	Thirty-five years in public schools of state. Twenty-five years the last fifteen of which shall have been in the public schools of the state.	Fifteen years the last nine of which shall have been in the public schools of the state.	Equal to one-half the average annual salary for the five years prior to time of retirement: Maximum \$600.	Equal to an annuity of as many twenty-fifths of the full annuity for twenty-five years as such teacher has taught years.
Laws 1909, Ch. 431, pp. 917-919, Laws 1911, Ch. 23, pp. 30-32; Laws 1914, Ch. 356, pp. 1097-1102.	Twenty-five years service the last ten of which shall have been in the county.	Fifteen years service the last six of which shall have been in the county.	Equal to one-half average salary for last five years: maximum \$600 for teacher \$800 for superintendent or principal.	As many twenty-fifths of full annuity as years of service.
Judiciary Law, Sec. 234.	At least twenty-five years twelve and one-half of which shall have been continuous in one or more positions in the court prior to retirement.	At least twenty years ten of which shall have been continuous in one or more positions in the court prior to retirement.	Equal to one-half of the average annual salary received for a period of two years prior to retirement. Employee who loses his position, without fault on his part, after twenty years service, to receive an annuity equal to as many twenty-fifths of one-half the salary as he has served years.	An annuity not to exceed one-half of the average annual salary received for a period of two years prior to retirement.
Judiciary Law, Sec. 117.		Twenty-five years or more, civil war veteran ten years continuous service and attained age of 70 years.		Not to exceed one-half the average annual salary received for a period of two years prior to retirement.
Judiciary Law, Sec. 118, as amended by Ch. 221, Laws 1919.		At least twenty-five years and for fifteen years immediately preceding such disability in the supreme court.		Not to exceed one-half the average annual salary received for a period of two years prior to retirement.
Pension Law, Secs. 410, 411, as amended by Ch. 207, Laws 1919.		Twenty-five years of service. Not less than fifteen years and attained age of 70 years.		Equal to one-half the salary received for the year immediately preceding retirement; maximum \$1,000. For fifteen years service and attained age of 70, such proportion of one-half the salary received as number of years served bears to the full term of twenty-five years. Maximum \$1,000.
Public Buildings Law, Sec. 3, par. 8, as amended by Ch. 142, Laws 1918.	Continuous period of 5 years or more and attained age of 70 years.		Equal to one-half salary received during last year of employment maximum, \$1,000.	
Insanity Law, Secs. 109-122, as amended by Ch. 499, Laws 1918.	Twenty-five years of service.	Fifteen years or more and become mentally or physically incapacitated by reason of accident or illness. At any time if totally disabled in line of duty.	Equal to one-half of compensation received for year preceding retirement; maximum \$1,500.	An amount equal to as many twenty-fifths of one-half of compensation including maintenance as he has served years; maximum, \$1,500. An amount, when retired at any time on account of disability not less than ten twenty-fifths of one-half of the wages, including maintenance.

NOTE.—For continuation of this table, see page 3920.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	YEARS OF SERVICE BEFORE ALLOWANCE BEGINS		AMOUNT OF RETIREMENT ALLOWANCE	
	Without disability	With disability	Without disability	With disability
New York— (concl'd) Banking Law, Sec. 16.		Twenty years service and physically or mentally incapacitated.		Equal to one-half the average amount of the annual or per diem salary for the 2 years preceding retirement.
Civil Service Law, Sec. 21-a.	Continuous period of 10 years or more and attained age of 70 years.	Same as adjoining column for such veterans performing manual labor and becoming incapacitated.	Equal to one-half the compensation received the last year of employment; maximum, \$1,000.	Same as adjoining column.
North Carolina				
North Dakota, Compiled Laws 1913 Vol. 1, pp. 979-980.	After twenty years of service including last ten preceding retirement if fifty years of age.	At any time if disability incurred in line of duty	Not to exceed \$40 monthly as determined by the local by-laws.	Same as adjoining column.
Compiled Laws 1913, pp. 361-366, as amended by Laws 1915 Ch. 140 and Laws 1919, Ch. 161.	Twenty-five years of service, eighteen of which including the last five, shall have been in state.	Fifteen years of service in state.	One-fiftieth average annual salary for last five years multiplied by number of years of service; maximum \$750; minimum, \$350.	Same as adjoining column.
Ohio, General Code 1912, Vol. 2, pp. 667-671.	Determined by the local by-laws.	Determined by the local by-laws.	Determined by the local by-laws.	Determined by the local by-laws
Ohio, General Code 1910.	After twenty-five years' service.	At any time if disability incurred in line of duty.	Forty dollars a month.	Forty dollars a month.
Ohio, General Code 1910.	After twenty-five years of service, last twelve of which shall have been continuous, or after twenty-five years' continuous service.	At any time if disability incurred in line of duty.	Eleven-sixteenths of salary at time of retirement; maximum, \$1,200 except in case of chief and 2 assistants.	Two-sixteenths of salary to those disabled after less than five years' service.
Ohio, General Code 1912, Vol. 2, pp. 674-677.	Determined by local by-laws.	Determined by local by-laws.	Determined by local by-laws.	Determined by local by-laws.
Acts of 1892.	After twenty-five years' continuous service if fifty-five years of age	At any time if disability incurred in line of duty. After fifteen years of continuous service if incurred other than in line of duty.	Six hundred dollars a year.	Six hundred dollars a year for disability incurred in line of duty. Two dollars a month for each year of service, not to exceed \$540 a year, for disability incurred outside line of duty.
Acts 1933.	After twenty-five years of service.	At any time if disability incurred in line of duty. After fifteen years of service for sickness incurred in line of duty.	Four hundred eighty dollars annually if retired on own request; \$600 annually if retired by chief.	After fifteen years of service, \$360 to \$600 for total disability caused by sickness in line of duty; \$180 to \$360 for partial disability. For total disability by accident in line of duty, \$600; for partial disability \$180 to \$360.
Acts 1901.	After twenty years of service.	At any time if disability incurred in line of duty.	Equal to one-half of annual salary received at time of retirement.	Same as adjoining column.
General Code 1912, Vol. 3, pp. 886-891.	Thirty years, fifteen of which shall have been in county in which district is located.	Twenty years, ten of which shall have been in county.	Twelve dollars and fifty cents for each year of service; maximum, \$450.	Same as adjoining column.
Oklahoma, Laws 1913, Ch. 244, as amended by Laws 1917, Ch. 161.	After twenty years of service in some fire departments in Oklahoma, the last five years of which shall have been consecutive.	At any time if disability incurred in line of duty.	Equal to one-half the salary received at time of retirement.	Same as adjoining column.

NOTE.—For continuation of this table, see page 3920.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	YEARS OF SERVICE BEFORE ALLOWANCE BEGINS		AMOUNT OF RETIREMENT ALLOWANCES	
	Without disability	With disability	Without disability	With disability
Oklahoma — (concl'd) Laws 1919, pp. 122-129.	Women: Twenty-five years of service, ten years of which may have been outside State. Men: Thirty years of service, fifteen years of which may have been outside State.	Twenty years or more.	25 yrs. serv., women } \$600 30 yrs. serv., men } 26 yrs. serv., women } \$620 31 yrs. serv., men } 27 yrs. serv., women } \$640 32 yrs. serv., men } 28 yrs. serv., women } \$660 33 yrs. serv., men } 29 yrs. serv., women } \$680 34 yrs. serv., men } 30 yrs. serv., women } \$700 35 yrs. serv., men } Woman who has paid only last five years' assessment entitled to 40 per cent of annuity, man 40 per cent; ten years' assessments, woman 55 per cent, man 52 per cent; 15 years' assessments, woman 70 per cent, man 64 per cent; twenty years' assessments, woman 85 per cent, man 76 per cent; twenty-five years' assessments, woman full amount of annuity; man 88 per cent; man who has paid the last thirty years' assessments entitled to full annuity.	20 yrs. serv., both \$350 25 yrs. serv., both \$375 22 yrs. serv., both \$400 23 yrs. serv., both \$425 24 yrs. serv., both \$450 25 yrs. serv., both \$475 26 yrs. serv., both \$500 27 yrs. serv., both \$525 28 yrs. serv., both \$550 29 yrs. serv., both \$775 Schedule, as to what percentage of annuity each entitled to based upon number of years assessments paid, is the same as in the adjoining column.
Laws 1913, Ch. 287, pp. 548-552.	After twenty years of service if sixty years of age.	At any time if disability incurred in line of duty.	One-half of annual salary received at time of retirement.	Same as adjoining column.
Laws 1911, Ch. 280, pp. 510-512; Laws 1913, Ch. 58, pp. 87-88.	Thirty years' service, ten of which shall have been in district.	Twenty years' service ten of which shall have been in district.	Five hundred dollars.	One-thirtieth of \$50 for each year of service.
Pennsylvania, Purdon's Digest, Vol. 6, Supp. 1905-1915, pp. 6830-6832; Laws 1917, pp. 689-693.	Twenty years or more and attained age of sixty years.	After twenty years of service and before attaining age of sixty years.	Equal to fifty per cent of compensation received for last five years of employment, maximum \$100 a month.	Same as adjoining column.
Purdon's Digest, Vol. 6, Supp. 1905-1915, pp. 6889-6890.	Twenty years or more and attained age of sixty years.	After twenty years of service and before attaining age of sixty years.	Equal to fifty per cent of compensation received for last five years of employment, Maximum \$100 a month.	Same as adjoining column.
Purdon's Digest, Vol. 5, Supp. 1905-1915, p. 5741.	Twenty years' service and attained age of fifty years.	At any time if totally and permanently disabled.	Equal to one-half of salary received for year preceding retirement; maximum \$100 a month.	Same as adjoining column.
Purdon's Digest, Vol. 3, p. 2813.	.....	Pension allowed by reason of age or disability.	.....	.....
Purdon's Digest, Vol. 6, Supp. 1905-1915, p. 6888.	.....	.....	.....	.....
	After twenty years service.	At any time if disability incurred in line of duty.	One-half of annual salary received at time of retirement.	For disability \$15 a week for one year. If then pronounced permanently disabled \$1,000, after which membership terminates.

NOTE.— For continuation of this table, see page 3920.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	YEARS OF SERVICE BEFORE ALLOWANCE BEGINS		AMOUNT OF RETIREMENT ALLOWANCE	
	Without disability	With disability	Without disability	With disability
Pennsylvania — (concl'd)				
Acts 1874.....	After twenty years' service.	At any time if disability incurred in line of duty.	One-half average annual salary for a period of two continuous years.	One-half of annual salary at time of retirement.
Purdon's Digest.... Vol. 6, Supp. 1905-1915, p. 6888.				
Laws, 1917, p. 39...				
Purdon's Digest, Vol. 3, p. 2813.		Pension allowed by reason of age or disability.		
Purdon's Digest, Vol. 3, pp. 3546-3547.	A minimum period of continuous service, not less than twenty years.	At any time if disability incurred in line of duty.	Not more than one-half the annual pay.	Same as adjoining column.
Acts 1891.....	After twenty years of service if fifty years of age, member may retire. After twenty years of service member may be retired at discretion of police department at any age.	At any time if disability incurred in line of duty. After ten years' service if disability incurred outside line of duty.	Two and one-half per cent of average annual salary for ten years preceding retirement multiplied by years of service not to exceed twenty years; \$3,000 taken as highest annual salary.	Same as adjoining column.
Acts 1893.....	After twenty years of service in the city.	At any time if incurred in line of duty.	One-half of annual of salary received at time of retirement.	For permanent disability one-half of annual salary for not over 52 weeks; then \$1,000, after which membership ceases.
Laws 1917, pp. 1043-1060.	A member who is sixty-two years of age or older may retire. A member who has attained the age of seventy years shall be retired.	Under the age of sixty-two years.	(1) A teacher's annuity which shall be the actuarial equivalent of his or her accumulated deductions. (2) A state annuity of one one-hundred sixtieth (1/160) of the final salary for each year of service prior to age of sixty-two. (3) In addition thereto, if a present employee, a further state annuity of one one-hundred sixtieth (1/160) of the final salary for each year of prior service. In no event shall the total state annuity exceed fifty per cent of the final salary. "Final salary" means the average annual salary not to exceed \$2,000, received for ten years immediately preceding retirement.	(1) An employee's annuity which shall be the actuarial equivalent of the accumulated deductions. (2) A state annuity which, with the employee's annuity, will produce a retirement allowance of one-ninetieth of the final salary multiplied by the number of years of service. In any case not less than thirty per cent of the final salary shall exceed eight-ninths of the rate of retirement allowance at age of sixty-two, and the state annuity granted shall make the rate of the total retirement allowance equal to eight-ninths of the rate of allowance if retirement had been deferred until age of sixty-two.
Purdon's Digest, Vol. 6, Supp. 1905-1915, pp. 7551-7552; Laws 1917, pp. 559-560.		Continuous service of twenty-five years or more. Continuous service of twenty years or more and attained the age of sixty-five years.		One-half of salary received at the time of retirement.
Philippine Islands, Administrative Code 1917, pp. 387-389.	Twenty or more years of actual and satisfactory service and not having been separated from the service more than one year at any time.		Two and one-half per cent of salary received at retirement for each year of service, providing total does not exceed 75 per cent of such salary.	Upon recommendation of chief of constabulary subject to rules and approval of Governor-general.
Porto Rico, Laws 1915 pp. 41-42.		At any time if disability incurred in line of duty.		

NOTE.—For continuation of this table, see page 3920.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	YEARS OF SERVICE BEFORE ALLOWANCE BEGINS		AMOUNT OF RETIREMENT ALLOWANCE	
	Without disability	With disability	Without disability	With disability
Porto Rico— (<i>concl'd</i>) Laws 1917, Vol. 2, pp. 396-402; Ibid, 1919, pp. 786-788.	Twenty-five years, beginning to count at 1900.	Fifteen years.....	One-half average annual salary for five years before retirement provided it does not exceed \$600.	Fifteen year teacher receives same pensions as teacher retired without disability. Under fifteen years pension board determines amount not to exceed \$200.
Rhode Island Acts and resolves, 1916, p. 191-192. General Laws 1909, pp. 1350-1351. Public Laws 1913-14, p. 175. Public Laws 1913-14, pp. 127-128; Ibid, 1917-18, pp. 219-220. Public Laws 1900-1901, pp. 342-343; Ibid, 1913-1914, pp. 126-127. Public Laws 1909-1910, pp. 665-667. General Laws 1909, pp. 277-278; Public Laws 1915-16, pp. 97-98.	Determined by city council. Twenty-five years of service and attained age of 50 years. Twenty-five years or more. Determined by mayor and aldermen. Thirty-five years, twenty-five in state, fifteen in state immediately preceding retirement.	Determined by city council. At any time if disability incurred in line of duty. At any time if permanently disabled. Determined by board of police commissioners. Determined by mayor and aldermen. Twenty years in state....	Determined by city council. Fifty per cent of compensation received at time of retirement. Determined by board of police commissioners. Determined by mayor and aldermen. One-half average annual salary received five years before retiring, not exceeding \$500.	Determined by city council. Same as adjoining column. Determined by board of police commissioners. Determined by mayor and aldermen. Proportion of pension paid without disability as number of years of service is compared with thirty-five years.
South Carolina, Code 1912, Vol. 1, pp. 813-816.	.....	At any time if disabled in line of duty. For other disability, after twenty years' service, twelve of which shall have been consecutive.	.....	One-half monthly salary received at time of retirement.
Code 1912, Vol. 1, pp. 498-499; Acts 1907, pp. 745-46; Acts 1916, pp. 881-882; Acts 1919, pp. 128-129. South Dakota, Tennessee, Private Acts 1913, pp. 799-801, Ibid, 1917, p. 2016.	Twenty-five years immediately preceding and attained age of sixty-five.	Twenty years' continuous service. At any time if disabled in line of duty. After twenty-five years of continuous service for inability to discharge duties efficiently.	Determined by city board of school commissioners and board of trustees of retirement fund, but not to exceed \$600.	Same as adjoining column. Determined by board, but must not be less than one-half salary received at time of retirement.
Acts 1909, pp. 1523-32; Private Acts 1911, pp. 19-21.	Twenty years of continuous service.	(1) May be retired because of disability after twenty years' service, or at any time if disability incurred in line of duty.	One-half of salary received at time of retirement.	Receives full salary while disability lasts. If retired after twenty years, received two-thirds of salary.
Public Acts 1917, pp. 229-233.	Twenty-five years of service, fifteen of which shall have been in the district.	Ten years in district....	Not to exceed three-fourths of salary and in no case to exceed \$600.	Same as adjoining column.
Texas, Local and Special Laws 1907, p. 654. Utah, Laws 1919, pp. 108-110.	..... Twenty years of service and attained age of sixty years.	Determined by board of city commissioners. At any time if disability incurred in line of duty.	..... ..... One-half monthly wage received at time of retirement provided amount does not exceed \$100.	Determined by board of city commissioners.

NOTE.—For continuation of this table, see page 3920.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	YEARS OF SERVICE BEFORE ALLOWANCE BEGINS		AMOUNT OF RETIREMENT ALLOWANCE	
	Without disability	With disability	Without disability	With disability
Utah—(concl'd) Compiled Laws 1917, pp. 958-960.	Thirty years of service, fifteen of which shall have been in city and attained age of sixty years.	Thirty years, fifteen of which shall have been in city. May be temporarily retired after twenty years' service.	One-half average annual salary received five years before retirement, not to exceed \$600.	One-half annual average salary received five years before retired paid to thirty-year teacher while disability lasts; proportion of pension paid to twenty-year teacher as years of service are compared to thirty. Pension not to exceed \$600.
Vermont, Compiled Laws 1917, p. 988. Compiled Laws 1917, pp. 291-293.	Twenty-five years in state, or thirty years, twenty of which shall have been in state. Teacher sixty-five years old coming within these time limits must retire.	At any time because of incapacity by reason of age or infirmity.	One-half annual average salary received for last five years, not exceeding \$500.	Determined by board, but must not exceed that allowed for retirement without disability.
Virginia, Code Supp. 1910, pp. 754-758. Code Supp. 1916, p. 871. Code Supp. 1916, p. 1157. Code Supp. 1910, pp. 833-837; Ibid, 1916, p. 890-892.	Men fifty-eight, women fifty, who have taught an aggregate of thirty years.	Determined by local authorities. Determined by local authorities. City governing boards determine. Twenty years' service and who has maintained a good record.	One-eighth of average annual salary of last five years of teaching, paid quarterly, not exceeding \$100 unless salary was over \$1,000, when \$125 may be paid.	Determined by local authorities. Determined by local authorities. City governing boards determine. Same as adjoining column.
Washington, Laws 1919, pp. 668-680.	Twenty years' service, ten of which shall have been consecutive immediately preceding retirement, and attained age of 55 years.	At any time if disability incurred in line of duty.	Equal to one-half of salary received for one year prior to retirement.	Same as adjoining column.
Codes and Statutes 1910, Vol. 2, pp. 1684-1687; Ibid., Supp. 1913, pp. 815-817; Laws 1915, pp. 137-141.	Twenty years or more in the aggregate and attained age of 60 years. Twenty-five years of continuous service and not have attained age of 60 years.	At any time if disability incurred in line of duty.	Equal to one-half of salary received for one year prior to retirement.	Same as adjoining column.
Laws 1917, pp. 744-758; Laws 1919, pp. 415-419.	Thirty years or 24 months' service, fifteen in the state, twelve in the district; or thirty-five years or 280 months' service, fifteen in the state, and employment in district when fund was established.	After three months' disability teachers serving ten years or eighty months, eight in state, six in district, or twenty years or 160 months, twelve years in state, ten in district.	Four hundred and eighty dollars a year.	Such part of \$480 as total years of service is of thirty years. Ten-year teacher receives disability allowance for two years. Twenty-year teacher receives disability allowance while disability lasts.
West Virginia, Code, Supp. 1918, pp. 193-197.		Five years continuous service.		Local board determines amount, which must not exceed \$1.25 per day for those in service five to ten years; ten-sixteenths of salary for those in service for ten to twenty years; eleven-sixteenths of salary for those in service over twenty years.
Acts 1919, p. 72.				

NOTE.—For continuation of this table, see page 3920.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	YEARS OF SERVICE BEFORE ALLOWANCE BEGINS		AMOUNT OF RETIREMENT ALLOWANCE	
	Without disability	With disability	Without disability	With disability
Wisconsin, Statutes 1917, pp. 809-811.	Thirty years' service....	Twenty years' service...	One-half average monthly salary received three years before retirement.	Same as adjoining column.
Statutes 1917, p. 682; 806-809, 811, 883-884.	Twenty-two years' service.	At any time if disability incurred in line of duty.	One-half salary received at time of retirement.	Same as adjoining column.
Statutes 1917, pp. 675-677; Laws 1919 (pamphlet edition), p. 56, Ch. 263; p. 61, Ch. 284.	Twenty-two years of service.	At any time if disability incurred in line of duty.	One-half salary received at time of retirement.	Same as adjoining column.
Statutes 1917, p. 678; Laws 1919 (pamphlet edition), p. 32, Ch. 161.	Twenty years' service and attained age of 55 years.	At any time if disabled in line of duty or superannuated.	Not to exceed one-half salary received at time of retirement.	Same as adjoining column.
Statutes 1917, pp. 420-423; Laws 1919 (pamphlet edition) p. 222, Ch. 619, pp. 273-274, Ch. 698.	Twenty-five years of service.	Eighteen years of service	Twelve dollars and fifty cents for each year of service, but not to exceed \$450 a year.	Twelve dollars and fifty cents for each year of service, but not to exceed \$450 a year while disability lasts.
Wyoming.....	No legislation.....	.....	.....	.....

NOTE.—For continuation of this table, see page 3920.

NOTE.—All statewide contributory systems, without exception, are compulsory upon new teachers; optional for teachers already in service.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Administrative retire- ment board	Sick and death benefits	Provision for refund	Miscellaneous
Alabama, General Acts 1915, pp. 899-909.	Board of trustees of the firemen's pension and relief fund to consist of five, president of the board of commissioners of the city, chief and three members of the fire department.	Member under physi- cian's care to receive \$14 weekly for not to exceed twelve weeks. On account of death in service or on retired list, widow while un- married to receive \$30 monthly and each child under 14 not less than \$5 nor more than \$10 a month. If no widow or children but a widowed mother, \$30 monthly while unmarried. Funeral and burial ex- penses not less than \$75 nor more than \$100. Fifty dollars allowed to pay ex- penses of members at- tending funeral.		
General Laws 1911, pp. 581-583.				Retirement allowance to be paid if employee is un- able to earn a livelihood by working and who is without independent means of support. Members retired to con- stitute a reserve and be subject to call for duty.
General Acts 1915, pp. 385-386.	County board of educa- tion or other school governing body.			Retirement allowance pay- able if unable to teach longer because of physical or mental infirmity and without means of com- fortable support.
Arizona, Laws 1919, p. 103.	State board of education			
Arkansas.....	No legislation.			
California Statutes and Amendments to the Codes, 1919, pp. 782-792.	Composed of three mem- bers, county treasurer, a member of the em- ployees' retirement as- sociation and an officer or employee of county chosen by the board of supervisors.	In the event of death of annuitant before re- ceiving payments equal to the sum of his de- posits with interest the difference to be paid to his legal representa- tives.	All deposits of member with interest to be returned to him when separating from the service before the retirement age for any cause except perma- nent disability.	Each county in which law effective to organize an employees' retirement association. The retire- ment system to be under the supervision of the State insurance commis- sioner.
General Laws 1915, pp. 436-440; Ibid, Supp. 1917, p. 709.	Chairman of board of supervisors where there is no board of fire com- missioners, city treas- urer and chief of fire department. Where there is a board of fire commissioners they shall constitute "The Board of Firemen's Pension Fund Com- missioners."	A yearly pension equal to one-third of salary re- ceived at time of death to be paid to widow during her life; if no widow to children until age of sixteen. If widow or children marry pension ceases. If a member dies from natural causes after ten years' service \$1,000 shall be paid to widow or children if any; not, to mother or unmarried sisters.		Retirement allowance ceases if at any time a member is convicted of felony becomes an habitual drunkard, a non- resident of state or fails to report for physical examination for duty. Retired member shall re- port to chief of his fire department quarterly. In case of great public emergency may be as- signed to duty.
General Laws 1915, p. 444.				

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Administrative retirement board	Sick and death benefits	Provision for refund	Miscellaneous
California—(cont'd) General Laws Vol. 5, pp. 1062-1066; Codes and General Laws Supp. 1917, pp. 1142-1143; Statutes and Amendments to Codes 1919, p. 101.	Chairman of board of supervisors where no board of police commissioners, city or county treasurer and chief of police. Where there is a board of police commissioners they shall constitute the "Board of Police Pension Fund Commissioners."	Member losing life in the performance of duty and leaving widow, or any child under sixteen years of age, there shall be paid to widow a yearly pension equal to one-third the salary of member at time of death; if no widow, then to any child until sixteen years old. In case widow or child marry, pension to cease. If member dies from natural causes after ten years' services, \$1,000 shall be paid his widow or children; if none, then his mother or unmarried sisters.		Members retired to report quarterly to chief of police. In case of great emergency may be called upon to perform duty. Member shall lose retirement allowance if convicted of a felony or shall become an habitual drunkard, or a non-resident of State or fails to report himself for examination for duty.
General Laws 1915, pp. 1247-1253; Statutes and Amendments to Codes 1919, p. 312.	State board of education.			The retirement fund is composed of two funds, (1) Public school teachers permanent fund, (2) Public school teachers retirement salary fund. The retirement fund to consist of all moneys transferred from the permanent fund. \$10,000 a year shall be added to the permanent fund. All teachers and school administrators to register with State board of education his age, teaching experience in this and other states, to be used as a basis for making an investigation and estimate of probable future expenditure from the fund.
Colorado, Annotated Statutes Vol. 5, pp. 4365-4372.	"Board of trustees of the firemen's pension fund" composed of the mayor, president of the fire and police board, city treasurer, chief of the fire department and city auditor.	Any member killed in the performance of duty or dying while in the service or on retired list, widow to be paid \$30 monthly while unmarried and each child under fourteen, if any, \$6 a month, \$100 allowed for funeral expenses and not to exceed \$50 for expense of attending firemen.		In case of emergency a retired member may be assigned light duties.
Laws 1917, pp. 235-243.	"Board of trustees of firemen's pension fund" composed of mayor, the city treasurer, city clerk and one member of fire department.	On death of member the widow, if one, to receive \$30 a month unless she remarries and each child \$6 a month until fourteen years of age. If no widow and a dependent mother, the latter to receive \$30 a month, \$100 allowed for funeral expenses.		Benefits of act to extend only to those cities having fire apparatus in a serviceable condition to the value of \$1,000.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Administrative retirement board	Sick and death benefits	Provision for refund	Miscellaneous
Colorado—(Cont'd) Code and Annotated Statutes Vol. 6, pp. 583-592.	"The board of trustees of the policemen's pension fund" composed of seven members, mayor, president of fire and police board, city treasurer, chief of police department, city auditor, one member from active police force and one member from the pensioners.	Member killed in performance of duty or dying while in service or on retired list and leaving widow or dependent child; widow to receive while unmarried \$30 monthly and each child \$6 a month until age of sixteen. If member unmarried and leaves dependent father and mother, each to receive \$15 a month; if but one living, \$30 a month.		Any member retired or drawing pensions may be assigned to light duties in emergencies.
Annotated Statutes Vol. 4, pp. 3846-3847; Laws 1919, pp. 597-598.	Controlled by the board of school directors of the district concerned.			Creation of a school teachers' retirement fund not compulsory upon school district.
Connecticut, Special Laws 1911, pp. 88-91; Ibid., 1919, pp. 181-182.	Firemen's relief fund in charge of three fire commissioners, city treasurer and three firemen in active service.	If member dies, an annual allowance equal to one-half of salary to be paid to widow, if any, and while unmarried; to children, if any, under age of eighteen or over such age if physically or mentally incapacitated from earning a living. If no widow or children, then to dependent father, mother, sister or other dependents,		Substitute members subject to like benefits with permanent and call service members.
Special Laws 1907-1909, pp. 123-124; Ibid., 1915, pp. 156-157.	Board of fire commissioners of the city.			Any member neglecting or refusing to pay assessments not entitled to any benefits of fund.
General Statutes Revision 1918, pp. 211-214.	Board of police commissioners or police committee to be a board of trustees for such "Police benefit fund."	Member who is killed or who dies in the actual performance of duty and leaves a widow or children there shall be paid such widow not to exceed \$300 until she marries; if no widow, to his children, if any, until eighteen years of age. Payment not to be continued for a longer period than ten years.		Provision of law effective in such towns, cities, and boroughs which, by an affirmative vote of electors, adopt them.
General Statutes Revision 1918, pp. 351-356; Public Acts 1919, pp. 2720, 2943-2945.	Composed of five members. The insurance commissioner and secretary of State, board of education, the bank commissioner and two teachers appointed by the Governor.	If member shall die before retirement, all contributions to the annuity fund with interest to be paid to estate.	Any member withdrawing before becoming eligible to retirement to be paid back all assessments with interest in one sum or in such other form as retirement board may elect.	Local boards of education to certify to the retirement board the names and salaries of all teachers in their employ. They shall also deduct from salaries due the amount of the assessment. Towns and cities having a teachers' pension system, exempt from this act if application is made therefor. If such town or city shall retire a teacher, State will reimburse it to amount of pension paid.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Administrative retirement board	Sick and death benefits	Provision for refund	Miscellaneous
Connecticut— (concl'd) Special Laws 1911, pp. 323-328.	Two members of board of education, 1 alderman, city treasurer, 1 teacher.		In case of dismissal, the amount contributed.	
Special Laws 1911, pp. 584-586. Public Acts, 1919, p. 2867.	School board.			
Delaware, Laws 1911, pp. 473-477.	To consist of the board of police commissioners, chairman of finance committee of council, chairman of police committee of council and five members of police force.			Member retired on account of physical disability to report to the board in writing at least once every three months, giving his address and, if employed, by whom employed.
Laws 1911, pp. 473-477.	To consist of the president and chairman of the teachers' committee of the city board of education, city treasurer, city superintendent of public schools, and three teachers.			
District of Columbia, U. S. Statutes at large 1915-1917, pp. 718-721.	Composed of the corporation counsel and one member from each, the police department and fire department.	Member dying before or after retirement and leaving a widow or any children, under sixteen years, the widow while unmarried to receive not to exceed thirty-five dollars monthly and each child not to exceed ten dollars a month. No one family to receive to exceed fifty dollars a month. Marriage subsequent to retirement excluded. Funeral expenses of seventy-five dollars allowed.		Allowance to be reduced or discontinued in case of conviction for crime, or on account of habitual drunkenness. Any retired member may be called upon in case of emergency.
Florida, Laws 1917, Vol. 2, pp. 1055-1059.	Composed of board in charge of fire department and an advisory committee of three firemen.	Widows of members active or retired to receive a pension equal to 50 per cent of the pension the member would have received. If any children under sixteen years of age, the widow to receive the full pension member would have been entitled to until remarriage. Widows, except as above provided, to receive a pension equal to 25 per cent of salary and if any children under sixteen years 50 per cent of salary until remarriage. Children under sixteen years to receive fifteen dollars a month upon the death or remarriage of their mother. If no widow or children and a dependent mother she shall receive a pension equal to 50 per cent of total pension of member.		Member retired on account of disability and regains his full health shall be required to resume his position.

DIGEST OF THE RETIREMENT PENSION LAWS — (*Con inued*)

STATE	Administrative retirement board	Sick and death benefits	Provision for refund	Miscellaneous
Florida—(<i>conc'd</i>) Georgia, Laws 1910, pp. 374-376; <i>Ibid</i> , 1912, pp. 579-580.	Mayor considers and passes upon recommendations.			As a condition of receiving pension, member may be assigned such service in same or different department as physical condition may warrant.
Hawaii, Laws 1917, pp. 408-417.	Chairman of board of supervisors and treasurer and auditor of such board for the county; the mayor, treasurer and auditor for city and county.	To dependent widow, twenty-five dollars a month until her death or remarriage; to each child under 16, five dollars a month. If no widow or child but a dependent father or mother the latter shall receive a total of thirty-five dollars a month. If no father or mother but dependent brothers or sisters, a total of thirty dollars a month. Funeral expenses of one hundred dollars allowed.	Dismissal for cause other than a felony after service of twenty years or more, member to receive a monthly payment equal to 40 per cent of salary at time of dismissal. Dismissal after ten years but not to exceed twenty years and unable to support himself, to receive a monthly payment equal to 25 per cent of salary.	Member retired on account of disability shall on full recovery be assigned to active duty. Benefits of act may be waived and members may claim under workmen's compensation act. Members on retired list with a service of less than twenty years to report for duty from time to time as ordered. May be required to perform duties.
Laws 1915, pp. 131-135; <i>Ibid</i> , 1919, pp. 223, 224, 226-227.	The superintendent and the commissioner of public instruction.	If member dies before entitled to a retirement allowance, the estate of such person to receive, without interest, one-half the amount paid in to fund.	Member to receive back one-half, without interest, of contributions made to fund.	
Idaho, Compiled Laws 1918, Vol. 1, pp. 231-232.	Board of trustees of any independent school district.			
Illinois, Revised Statutes 1917, pp. 538-540.	Mayor and comptroller and four employees.	Widow until remarriage and minor children until eighteen years of age to receive one-half of the pension allowed member. Three hundred dollars to be paid to widow or children if member has not been a beneficiary for more than three years.	If member is dismissed or resigns he shall receive back one-half of total paid in. If he has been in the service twelve years, he may continue payment of premiums until eligible to a benefit.	
Revised Statutes 1917, pp. 567-573.	Comptroller and treasurer of city and three employees.	In case of death of employee, his estate to receive one-half of amount contributed to fund.	Employee to receive back to one-half of the amount contributed by him, in case of discharge, dismissal or position abolished.	Employee receiving pay under workmen's compensation act shall have his pension reduced by amounts so received. Act not to apply to probationary employees, nor to those less than twenty-one years of age, nor to sixty day employees, nor to those sixty years of age unless in service ten years at least when act goes into effect, nor to laborers unless they so elect within six months.
Revised Statutes 1917, pp. 828-831.	Comptroller and treasurer of county and three employees.		If position abolished, employee to receive total amount deducted from wages or salary with interest at three per cent.	Act not to apply to temporary or probationary employees, nor to employee who is sixty years old at time act is effective, unless in service of county at least ten years, nor to laborers unless they so elect within six months.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Administrative retirement board	Sick and death benefits	Provision for refund	Miscellaneous
Illinois—(cont'd) Revised Statutes 1917, pp. 435-438.	Mayor or president of board of trustees, superintendent or chief officer of police department, the fire marshal or chief officer of fire department, chairman of committee on police and fire and water, comptroller or city clerk and treasurer.	Widow to receive while unmarried \$600 a year, or such less sum as board may fix. Any child or children under sixteen years of age \$600, or such less sum as board may fix.		
Revised Statutes 1917, pp. 455-460.	The treasurer, clerk, marshal or chief officer of fire department, city comptroller and three firemen.	Widow, while unmarried, \$45 a month; each child under sixteen years, \$8 a month; if father and mother both dead, each child to receive \$15 a month until sixteen years of age. If no widow or natural child but a dependent natural father or mother; each of latter to receive \$25 a month. If no relatives, the board shall pay \$200 as funeral expenses.		Firemen recovered from any disability to be restored to duty. Any retired member may be assigned to light duties
Revised Statutes 1917, pp. 461-466.	City treasurer, city clerk, marshal or chief of fire department, comptroller, three active firemen and eleven retired.	Widow, while unmarried, \$45 monthly. Widow to receive nothing if married to fireman subsequent to his retirement. To child or children until eighteen years old, \$10 a month while mother is living and unmarried and \$1 a month if mother is not living. If any child after reaching age of fourteen shall not attend school such child to be paid only \$5 a month while mother living and unmarried, and \$10 a mother if mother not living. If dependent father or mother, if no widow or children, \$25 monthly. Total amount paid family not to exceed member's allowance.		Member recovering from disability to be assigned to duty. If member receives any moneys under workmen's compensation act, the pension to be reduced by the amounts received if compensation exceed pension, the latter shall cease until deferred pension equals compensation.
Revised Statutes 1917, pp. 466-469.	President, secretary, treasurer, chairman of the patrol committee and superintendent or chief officer of fire insurance patrol.	Widow, while unmarried, \$30 a month, to each child \$6 a month until age sixteen. Total amount paid family not to exceed the allowance paid member.		Retired member may be assigned light duties.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Administrative retirement board	Sick and death benefits	Provision for refund	Miscellaneous
Illinois—(cont'd) Revised Statutes 1917, pp. 438-443.	Five members, three appointed by mayor, and one active policeman and one retired.	Member dying or becoming insane, the widow, while unmarried and the children under sixteen years of age to receive a pension equal to one-half salary of member but not to exceed \$900 a year.		Member recovered from disability to be assigned to active duty. Policemen retiring, except those retiring after twenty years' service to report once a month unless excused. In case of emergency may be assigned duty. Pension ceases if member convicted of a felony or becomes an habitual drunkard, a non-resident or fails to report for duty. May become a non-resident if health requires.
Revised Statutes 1917, pp. 443-447.	Three members, two appointed by the mayor and one to be elected from the regular police force or the beneficiaries.	To widow and children under sixteen years of age while remaining unmarried a yearly pension equal to one-half salary of member but not to exceed \$600. If no widow or children then to dependent parent. If dependent parent remarries not to receive pension. Widow of policeman having married him after his retirement to receive no pension nor shall any child of such marriage.		Member recovered from disability to be assigned to active duty. Retired policeman, except those of twenty years' service, to report monthly unless excused. In case of emergency may be assigned to duty. Pension ceases of member convicted of a felony, or becomes an habitual drunkard, a non-resident or fails to report for duty. May become a non-resident if health requires.
Revised Statutes 1917, pp. 447-453.	Five members. Three appointed by mayor and one active and one retired policeman.	To widow, if marriage effected one year previous to grant of pension, \$50 a month while unmarried, and for each natural child until eighteen years of age, \$10 a month; if any child stops school between ages of fourteen and eighteen, amount reduced to \$5 a month. If no surviving widow or if widow dies, each child under eighteen years of age and while attending schools to receive \$15 a month. Widow of member adjudged insane or who dies from certain causes to receive a pension, the amount of which is ascertained by multiplying the number of years service by two and one-half. Pension not to exceed \$50 a month. Marriage shall have been at least two months prior to death or insanity of member.		Member recovered from disability to be assigned to duty. Pension stops on conviction for felony, habitual drunkard, non-residence in United States, or failure, to report for examination. Any allowance received under any workmen's compensation act, pension to be reduced by that amount. State insurance commissioner to determine annually the amount necessary to pay pensions.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Administrative retirement board	Sick and death benefits	Provision for refund	Miscellaneous
Illinois—(cont'd) Revised Statutes 1917, pp. 2147- 2153.	Five members. Three appointed by the president of the board of park commissioners, one from active police force and one from pensioners.	To widow, if married more than one year prior to grant of pension and while remaining unmarried, \$50 a month and for each natural child under eighteen years of age \$10 a month. If child stops school between fourteen and eighteen years, amount cut to \$5 a month. If no widow or if widow dies while children are under eighteen, each child while attending school to receive \$15 a month. Member dying from certain causes or adjudged insane, wife, if marriage effected two months prior to event or any child under eighteen to receive an amount ascertained by multiplying the number of years' service by two and one-half. Maximum not to exceed \$40 a month.		Pension ceases if member convicted of a felony, becomes an habitual drunkard, a non-resident of United States or fails to report for examination. If any allowance received under any workmen's compensation act, pension to be reduced by that amount. State superintendent of insurance to determine annual amount necessary for fund.
Revised Statutes 1917, pp. 1648- 1653.	Five members. Chairman of the board of inspectors, superintendent of house of correction; two employees contributing to fund and one beneficiary.	To widow while unmarried, and if she has been his wife five years before his death, not to exceed \$600 a year. If no widow and any children to pay amount to them until sixteen years of age. If no widow or children to pay annuity to mother of deceased. Widow of employee, if marriage effected after retirement, not to receive a pension.	Any employee contributing to fund for three years or more and who is dismissed or resigns, shall receive upon application within three months, one-half of the amount paid in.	Act not to apply to temporary or probationary employees, nor to sixty-day employees, nor to employee fifty years old unless in service for at least ten years.
Revised Statutes 1917, pp. 1866- 1869.	Five members. President and secretary and one other member of board of directors of the library and two employees.	To the widow or next of kin not to exceed one year's benefit.	In case of dismissal or resignation and on application within three months, employee to receive one-half of amount paid into fund.	
Revised Statutes 1917, pp. 2663- 2666; 2745-2749.	Either 3 or 9 members. Two-thirds to consist of members of the active teaching force and one-third of members of board of education.		Teacher, not re-employed or who is discharged before entitled to a pension, shall have refunded all contributions. Voluntary retirement after teaching fifteen years a refund of one-half contributions shall be made.	
Revised Statutes 1917, p. 2674- 2679.	Nine members. Chairman of finance committee of board of education and 2 other members of such board, also 6 members of the active teaching force.		Teacher not re-employed or who is discharged before entitled to a pension shall have refunded all contributions. Voluntary retirement after fifteen years a refund of one-half contributions shall be made.	

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Administrative retirement board	Sick and death benefits	Provision for refund	Miscellaneous
Illinois—(concl'd) Revised Statutes 1917, pp. 2720-2721.	Board of education superintendent of schools and 2 representatives chosen by teachers and school employees.		Teacher not re-employed or who is discharged before entitled to a pension shall have refunded all contributions with interest.	
Revised Statutes 1917, pp. 2721-2724.	Six members. President and secretary of the board of education and four employees.	Employee dying before becoming a beneficiary his widow if any may be paid not to exceed one year's benefit. If no widow but minor children, the fund may be expended further	Employee who is dismissed or resigns after less than ten years' service to receive back one-half of total amount paid into fund.	
Revised Statutes 1917, pp. 2749-2756; 2756-2760.	Five members. Superintendent of public instruction; state treasurer and 3 teachers.		Teacher returning after than fifteen years' service entitled to a refund of 50 per cent of contributions without interest. If teacher returns to teaching, the amount refunded shall be returned to the pension fund within three years with interest of 4 per cent.	Local boards of education to make an annual statement to State treasurer giving name and monthly salary of teacher, number of months school taught, amount withheld from salary and total number of years each teacher has taught.
Indiana, Annotated Statutes 1914, Vol. 4, pp. 371-378; Acts 1919, pp. 802-804.	Six members. Mayor and chief of the fire force and 4 members of the fire department.	Widow, while unmarried, not less than \$20 nor more than \$25 a month; children not less than \$6 a month; if no widow or children, pension paid to dependent father or mother; if none, to dependent brothers or sisters.		
Annotated Statutes 1914 Vol. 4, pp. 365-370; Acts 1919, pp. 72-79.	Nine members. The mayor, city treasurer, chief of police and 6 members of police force.	To widow, while unmarried, \$30 a month and to each child under sixteen years of age \$6 a month. If no widow or children, to dependent father or mother jointly \$20 a month; if only one living, the same amount; none of the foregoing but dependent brothers or sixteen under sixteen years of age, up to \$20 may be paid. Funeral benefits of \$150 allowed.		Member recovering from a disability to be assigned to duty. Pension ceases if member convicted of a felony, becomes an habitual drunkard or fails to report for duty or examination.
Annotated Statutes 1914, Vol. 3, pp. 353-358; Supplement 1918, pp. 384-386.	Seven members. 3 members of the board of school commissioners, superintendent of public schools, 1 principal and 2 teachers.		In case of withdrawal, teacher to receive back, without interest, one-half of amount paid in. If teacher returns, amount to be paid back within one year. If teacher dies, the estate to receive one-half of the amount paid in.	Pension ceases upon conviction of a felony or for failure to report for examination for duty.
Annotated Statutes 1914, Vol. 3, pp. 358-362; 363-367.	Five members. The president of the board of school trustees, the superintendent of public schools, 1 principal and 2 teachers.		Teacher withdrawing after twenty years' service to receive, without interest, all payments made. If teacher returns, amount to be paid back within one year with interest of 5 per cent. If teacher dies, the estate to receive the above amount.	

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Administrative retirement board	Sick and death benefits	Provision for refund	Miscellaneous
Indiana—(<i>concl'd</i>) Annotated Statutes Supplement 1918, pp. 386-396.	Five members. The State superintendent of public instruction, the auditor of State, the attorney-general of the State and 2 persons engaged in teaching, or in supervision of teaching to be appointed by the governor.		Teacher quitting the service to receive back all payments made without interest. Any benefits received for disability to be deducted from the amount returned. If teacher returns to the service, all amounts withdrawn shall be paid in to fund with interest of 5 per cent. If teacher dies, the estate to be paid amount of contributions without interest.	Teacher recovered from disability shall be assigned to duty.
Iowa, Annotated Code Supplement 1913, pp. 342-344; 344-347. Acts 1917, pp. 42-43.	Chief officer of fire department, city treasurer and city attorney. (In case of police, the chief officer of police department.)	To widow, while unmarried and of good moral character, \$20 a month. To each child under sixteen years of age, \$6 a month. If no widow or children, to dependent parent \$20 a month. Aggregate of payments not to exceed pension.		Any retired member may be assigned to light duty.
Acts 1917, pp. 422-423.	Board of directors of the independent school district.			
Kansas, General Statutes 1915, pp. 248-250.	Five members. The mayor, the chief officer of the fire department and three firemen.	To widow or children under sixteen years of age, a dependent parent or brother or sister under sixteen years of age, such amount as rules of fund may determine. Funeral expenses not to exceed \$100.		
Kansas, General Statutes 1915, pp. 248-250.				
Laws 1919, pp. 161-162.		To widow or children under eighteen years of age, an amount equal to one-half of salary, payable monthly. If no widow or children but dependent parents, the same amount to them. If none of the foregoing but dependent brothers or sisters under eighteen, they shall receive the amount.		
General Statutes 1915, pp. 1845-1846.	City board of education.		Any teacher not re-employed or discharged, to receive back total amount paid in. Voluntarily retiring from service, one-half the amount. In case of death, the estate to receive one-half the amount paid in.	Teacher recovered from disability to be assigned to duty at discretion of board.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Administrative retirement board	Sick and death benefits	Provision for refund	Miscellaneous
Kentucky, Statutes 1915, Vol. 2, pp. 1474-1478; 1493-1497.	Five members, Mayor, chairman of the board of safety, city treasurer, chief fireman and city comptroller.	Member dying from injury or disease after fifteen years' service, his widow, while unmarried, to receive \$30 a month, and each child under fourteen years of age \$6 a month. If no widow or children, but dependent father and mother, \$15 to each; if only one be living, \$30. Funeral expenses of \$100 allowed family and \$50 for attendance of firemen.		
Statutes 1915, Vol. 2 pp. 1529-1535.	Seven members. One member of board of education, superintendent of public schools, one principal four teachers.		One-half amount contributed in case of resignation, dismissal or death and without interest. If teacher re-enters teaching, amount withdrawn by teacher to be refunded.	Every annuitant to report to superintendent of public schools when required to do so. May be assigned to duty. If teacher recovered from any disability, annuity to cease and to return to duty.
Statutes 1915, pp. 2, pp. 1724-1728.	Treasurer and president of the board of education, superintendent of the public schools and four teachers.		Three-fourths of amount contributed in case of resignation, dismissal or death. If teacher re-enters teaching, amount withdrawn by teacher to be refunded with interest not to exceed 4 per cent.	
Louisiana, Acts 1914, pp. 85-91.	President of board of fire commissioners, chief engineer of fire department, secretary of board of fire commissioners and six firemen.	Sick benefit of \$1 a day when sickness continues over six days. Beneficiary to receive \$1,000. To widow, while unmarried, \$15 a month, and for each child until fourteen years of age, \$6 a month. If no widow or children, but a dependent widowed mother, she shall be paid, while unmarried, \$15 a month. Benefits not to exceed one-half monthly salary of member.		
Annotated Statutes Vol. 3, pp. 1933-1938.	Mayor, chairman of police department, the city comptroller and one policeman.	To widow, while unmarried, \$15 a month, to each child under fourteen years of age, \$6 a month. If no widow or children, but a dependent widowed mother, she shall be paid, while unmarried, \$15 a month. One hundred dollars allowed for funeral expenses.		

DIGEST OF THE RETIREMENT PENSION LAWS — (*Continued*)

STATE	Administrative retirement board	Sick and death benefits	Provision for refund	Miscellaneous
Louisiana— (<i>concl'd</i>) Laws 1910, pp. 15–18.	Police board and the mayor.	To widow, while unmarried, not to exceed \$150 a year; to children the same amount. If no widow or children, but a dependent widowed mother, she shall be paid, while unmarried, the annuity of \$150.		
Annotated Statutes, Vol. 1, pp. 874–885.	Nine person, superintendent of public schools, three members of the board of school directors and five teachers.		One-half amount contributed in case of death or resignation; full amount in case of dismissal.	Teacher recovering from any disability to be assigned to active duty. A retired teacher may be required to perform temporary duty.
Maine, Laws 1909, p. 714.		To widow, while unmarried, \$25 a month. If no widow, minor children or other dependents may be granted an annuity not to exceed \$25 a month in the aggregate.		
Laws 1905, pp. 422–423.		To widow, \$2 a day. If one or more children, \$1 each until the age of twelve years.		Pensioned members liable to temporary service.
Laws 1919, p. 35...	Upon recommendation of the superintendent and board of trustees of any State institution and head of any State department, subject to approval of governor and council.			
Revised Statutes 1916, p. 1596.	Upon recommendation of warden, approved by the board of inspectors of prisons and jails, and by the governor and council.			
Revised Statutes 191, pp. 1637–1638,	Upon recommendation of head of department or board of trustees of institution in which veteran served, and approved by the governor and council.			
Revised Statutes, 1916, pp. 395–396; Laws 1919, p. 33.	State superintendent of public schools.			Any retired teacher who resumes teaching, pension suspended.
Maryland, Laws 1916, pp. 1051–1052.	Executive committee of the Maryland State Firemen's Association. Secretary of state, the state comptroller and state treasurer.	To widow, while unmarried, \$240 a year; to each child under fourteen years of age, \$60 a year.		
City charter 1900, secs. 70 and 445.	Board of fire commissioners.	Widow and children if death occurs in line of duty to receive annually one-half of salary.		
Laws 1898, pp. 537–538; Laws 1900, pp. 401–405.	Board of police commissioners of city of Baltimore.	In event of death in line of duty, board to make reasonable provision for widow and children under 18 years.		
Laws 1916, pp. 989–990.	City council.			

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Administrative retirement board	Sick and death benefits	Provision for refund	Miscellaneous
Maryland— (<i>concl'd</i>) Annotated Code, Vol. 3, pp. 814-815. Laws 1912, pp. 145-155.	State superintendent of public schools. Nine persons, President of county commissioners, county superintendent of public education, two members of county school commissioners and five teachers.		One-half amount contributed without interest. If teacher resumes her work the amount refunded shall be repaid. In case of death the estate to be paid one-half amount contributed.	
Laws 1908, pp. 595-603.	Seven persons, Superintendent of public instruction, city comptroller, two members of board of school commissioners and three teachers.		One-half amount contributed in case of resignation or death. If teacher resumes her work the amount refunded shall be repaid.	Any teacher recovered from any disability to be assigned to active duty.
Massachusetts, Acts 1910, pp. 705-715; Acts 1911, pp. 299-309; Acts 1918, pp. 280-283; Acts 1911, pp. 718-727; Acts 1913 pp. 277-280.	Three members. City or town treasurer, one employee, the third member to be chosen by the two foregoing. In case of county, the county treasurer.		All contributions with interest. In case of death the estate to receive refund.	State insurance commissioner to prescribe mortality tables and inspect annually the financial condition of fund.
Acts 1912, pp. 449-450.	Mayor of cities and selectmen of towns.			
Acts 1913, pp. 308-309.	Three members, Mayor, auditor and city treasurer.			
Acts 1898, Ch. 267 and subsequent laws.	Board of fire commissioners in cities and board of selectmen in towns.			In towns, firemen receiving pension remain on reserved list.
Acts 1890, Ch. 450; Acts 1902, Ch. 103; Acts 1906, Ch. 171.	Board of five members.	One thousand dollars to be paid by State to the executors of anyone, whether member of association or not, who is killed while doing fire duty. Towns accepting provisions of Ch. 186, Acts 1907, may grant an annuity not to exceed \$300 to widow and children.		
Acts 1880, Ch. 107 and subsequent acts.	Fire commissioners.	In event of death in line of duty, widow or children under sixteen years of age may receive annuity of not over \$300 from city; and a further sum of \$1000 from the State by Acts of 1893, Ch. 401.		Pensioned members may be called on for temporary duty.
Acts 1892, Ch. 378 and amendments, R. I. of 1902, Ch. 108, sec. 31; Acts 1901, Ch. 377.	Mayor and aldermen.			
Acts 1904, Ch. 327.	Board of officials having authority to make appointments to the police department. Selectmen in towns.			Member retired to remain on reserve force.
Acts of 1878, Ch. 244 and subsequent amendments.	Police commissioners and mayor.	In event of death in line of duty \$300 annually to widow or children under sixteen years of age.		

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Administrative retirement board	Sick and death benefits	Provision for refund	Miscellaneous
Massachusetts— (concl'd)				
Act 1909, Ch. 453; Acts 1913, Ch. 545.	Metropolitan park commission.	In event of death in line of duty, widow or children under sixteen years receive not over \$600 at discretion of board.		Annuitant to remain on reserve list.
Acts 1911, Ch. 675.	Approval of governor and council is necessary.			Member retired on a pension may be assigned to temporary duty.
Acts 1913, Ch. 832; Acts 1915, Ch. 197; Acts 1916, Chs. 60, 238, 257; Acts 1917, Ch. 233; Acts 1918, Ch. 257.	Seven members. State commissioner of education; commissioner of insurance, commissioner of banks; three members elected by Retirement Association, one elected by the Retirement Board.		On death, dismissal or resignation amount contributed with interest.	
Acts 1908, Ch. 589; Acts 1910, Ch. 617; Acts 1912, Ch. 569.	Three members. Chairman of commissioners of sinking fund, member of school committee, member of trustees of Teachers' Retirement Fund.			
Acts 1911, Ch. 532; Acts 1912, Ch. 363; Acts 1914, Chs. 419, 582; Acts 1915, Ch. 198; 164; Acts 1918, Ch. 257.	Three members. State Treasurer, a State employee, and the third member shall be chosen by the other two members.		Entire amount contributed in event of resignation or dismissal before member becomes entitled to pension.	The fund under the supervision of the insurance commissioner.
Acts 1900, Ch. 237; Acts 1902, Ch. 233.	Superintendent of schools, three women teachers, four members of school committee.		One-half contribution in case of resignation.	
Acts 1912, p. 722.	Sheriff of the county and a majority of the justices of the court.			
Acts 1910, Ch. 540; Acts 1918, Ch. 257.	Approval of the Governor and council.			
Acts 1911, Chs. 231, 682.	Approval of the Governor and council.			
Acts 1916, Ch. 273; Acts 1908, Ch. 606; Acts 1911, Ch. 673.	Board of prison commissioners.			
Acts 1912, Ch. 723; Acts 1916, Ch. 225.	Approval of the county commissioners.			
Acts 1913, Ch. 71.	Sergeant-at-arms.			
Act 1918, Ch. 172.				
Michigan, Local Acts 1885, No. 386.	Board of fire commissioners.	Death from injury incurred in line of duty, widow or other dependents to receive \$300 annually.		Firemen compelled to join the Firemen's Fund Association, which pays sick, accident and death benefits; annual dues, \$12; and \$5 death assessment when fund insufficient.
Local Acts 1891, No. 309.	Board of fire commissioners.	Death from injury incurred in line of duty, widow or other dependents to receive \$300 for five years.		Firemen compelled to join the Firemen's Fund Association, which pays sick, accident and death benefits; annual dues, \$12; and \$5 death assessment when fund is insufficient.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Administrative retirement board	Sick and death benefits	Provision for refund	Miscellaneous
Michigan—(concl'd) Local Acts 1893, Ch. 372. Public Acts 1915, No. 174, pp. 286- 292.	Board of police commissioners. Six members. State superintendent of public instruction and five members appointed by the Governor, one of whom shall be a woman teacher.		One-half the amount contributed.	
Acts 1895.....	Seven members. City superintendent, three members of board of education, three teachers elected by contributors.		Usually one-half the amount contributed.	
Minnesota, Laws 1919, pp. 504-506.	Five members. Commissioner of public safety, chief health officer and city treasurer or commissioner of finance to be ex-officio members.			
Laws 1919, pp. 712- 729.	Five members. Mayor, city comptroller, chairman of the ways and means committee of the city council and two employees.	To heirs of non-contributing employee, \$150. Various options allowed to person having an insurable interest in life of beneficiary.	Entire amount contributed, with interest. In case of death, estate to receive amount contributed. Employee returning to service to refund contributions with interest. If injured employee elects to accept under a workmen's compensation act, he shall have his contributions refunded him.	Employee eligible to an accident disability allowance and entitled to an allowance under a workmen's compensation act may elect to accept the latter.
Laws 1919, Ch. 23 (Extra Session). General Statutes 1913, pp. 748- 752; Supp. 1917, p. 334; Laws 1919, pp. 729-731.	Board of trustees of fund.	To widow, if married three or more years prior to decease of fireman and dependent children, such benefits as local law permits.		
Statutes, Supp. 1917, pp. 335-338.	Board of trustees of fund.	To widow, while unmarried, \$30 a month; to each child under 16 years of age \$6 a month. Aggregate amount not to exceed one-half of pension of deceased.		Retired members may be assigned light duties.
Acts of 1892.....	Board of trustees.....	To widow or children under 16 years an annuity not over \$480 and a death benefit of \$125. If no widow or children, heirs receive \$1,000.		In event of temporary disability, member receives \$12 a week for not over 15 weeks.
Acts of 1892.....	Board of trustees.....	To widow, \$30 a month. To each child under 16 years, \$5 a month. Total to family not to exceed \$40 a month. If widow dies, children to receive not to exceed \$40 a month. A death benefit of \$500. If no widow or child, heirs to receive \$1,000.		In event of temporary disability, member receives \$15 for not over 12 weeks. \$100 allowed for funeral expenses.
Laws 1919, pp. 151- 154.	Five members. Mayor, chief of police and city treasurer ex-officio members.			Not entitled to a pension if member convicted of a felony or an habitual drunkard.
Statutes, Supp. 1917, p. 117-119.	Five members. Mayor, chief of police and city treasurer ex-officio members.	To widow, while unmarried, \$25 a month and to each child under 16 years, \$6 a month.		Member not entitled to a pension if he removes from U. S. or is convicted of a felony or who is an habitual drunkard.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Administrative retirement board	Sick and death benefits	Provision for refund	Miscellaneous
Minnesota— (concl'd)				
Laws 1903, pp. 231-233; Laws 1919, pp. 159-160.	Relief association.....			Pension ceases if member convicted of a felony, habitual drunkenness or disobedience to department rules or becomes a non-resident.
Acts 1903, Ch. 159 with amendments.	Board of five directors.....			Pension ceases on account of non-residence, imprisonment for misdemeanor or felony.
Acts 1903, Ch. 159 with amendments.	Board of five directors.....	\$100 death benefit.....		\$100 benefit on death of wife if a member six months.
Laws 1919, pp. 552-554.	Police pension board or relief association.....			
Statutes Supp. 1917, pp. 289-294.	State superintendent of public instruction, state auditor, attorney-general and two members elected by teachers.....		On death or resignation, one-half of the amount contributed.	
Minnesota, General Statutes 1913, pp. 292-293.	Nine members. Mayor, president of board of education and city council, chairman ways and means committee, city council and five teachers.....		On death or resignation one-half amount contributed; on dismissal, entire amount.	
General Statutes 1913, pp. 292-293.	Eleven members. Mayor, comptroller, city treasurer, superintendent of schools, president of board of education and six teachers.....			
Mississippi.....	No legislation.			
Missouri, Revised Statutes 1909, Vol. 3, pp. 3095-3101; Laws 1919, pp. 582-589.	Ten members. City treasurer, counselor clerk, comptroller, chief officer of the fire department, four active and one retired firemen.	To widow and children under 16 years and if no widow or children to dependent parents or brothers and sisters under 16, such sum as may be determined by the rules. Two hundred dollars allowed for funeral expenses. Fifty dollars allowed for firemen's expenses.		
Revised Statutes, 1909, Vol. 3, pp. 3091-3095.	Seven members. City treasurer, counselor clerk, comptroller, chief officer of fire department, one active and one retired fireman.	To widow while unmarried, \$30 a month and to each child under 16 years, \$6 a month. Funeral expenses of \$100 allowed and \$50 for attendance of firemen.		
Montana, Revised Codes 1907, Vol. 1, p. 980, Ibid, 1915, Vol. 3, pp. 503-506; Laws 1919, pp. 127-128.	Fire department relief association composed of firemen.	To widow and children but not to exceed monthly salary.		
Revised Codes 1915, Vol. 3, pp. 1007-1012.	Three members. State superintendent of public instruction, state treasurer and attorney-general.			

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Administrative retirement board	Sick and death benefits	Provision for refund	Miscellaneous
Nebraska, Revised Statutes 1913, pp. 707-708.	Board of fire and police commissioners.	To widow or children under 18 years, one-half of annual salary, not to exceed \$50 a month.		If partly disabled, member to receive full pay for one year.
Nebraska, Revised Statutes 1913, pp. 708-709; Laws, 1915, pp. 123-124.	Board of trustees.			
Revised Statutes 1913, pp. 1208-1211; Laws 1917, pp. 243-244.	Board of fire and police commissioners.	To widow, \$40 a month. If no widow, to minor children.		Pension to cease if member convicted of a felony or becomes an habitual drunkard.
Revised Statutes 1913, pp. 1960-1962.	City board of education.			
Nevada Statutes 1915, pp. 303-308.	State board of education.			
New Hampshire, public Statutes, and Session Laws 1901, p. 569; Ibid, 1901-1913, pp. 83-84; Laws 1917, pp. 749-750.	Local authorities.	Dependent parents, widow, or children receive aid from the state firemen's relief fund.		
Laws 1915, pp. 223-228.	State superintendent of public instruction.			
New Jersey Laws 1918, p. 489.				
Public Laws 1902, Ch. 270 and subsequent amendments.	Board of five trustees, four being firemen.	To widow, while unmarried, and children under 16 years the amount of the pension. If no widow or children, pension to revert to dependent parents. Pension ceases if dependent parent remarries.		
Public Laws 1905, Ch. 65 and subsequent amendments.	Board of five trustees, four being firemen.	To widow or children or dependent parents, a pension equal to one-half of salary.		
Laws 1902, Ch. 270; Laws 1908, Ch. 142; Laws 1912, Ch. 240.	Board of five trustees, four being firemen.	Dependents to receive an annual amount equal to one-half of salary.		
Compiled Statutes 1911-1915, pp. 620-623.	Five members. Head of police department, two superior police officers and two patrolmen.	Class 1: Member dying from causes other than injuries received in line of duty and in service nine years, his widow, if his wife before he attained age of 50 years, and while she remains unmarried, to receive a pension equal to one-fourth of salary. If no widow, to children under 16 years. If no widow or children, to dependent parent while they do not remarry. Class 2: To widow, while unmarried, of member losing his life in line of duty, a pension equal to one-half of salary. Same to children under 16 if widow dies.		

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Administrative retirement board	Sick and death benefits	Provision for refund	Miscellaneous
New Jersey— (<i>cont'd</i>)				
Compiled Statutes 1911-1915, pp. 623-627; Laws 1917, pp. 122-126; Laws 1916, pp. 602-603.	Ten trustees. Chief of police; four superior police officers and five patrolmen.	Same as Class 1 above noted except that the minimum pension for widow is fixed at \$365 a year. Same as Class 2 above noted. Widow of policeman who dies while retired to receive, while unmarried, one-half of pension her husband was receiving. If no widow or if she remarries, minor children while under 16 years to receive same pension. If no widow or children, pension goes to dependent parent.		
Compiled Statutes 1911-1915, pp. 653-655; Laws 1916, p. 298.	Four members. One superior police officer; one patrolman and two citizens.	Class 1: Member losing life in performance of duty his widow, while unmarried and having children under 16 years to receive pension equal to one-half salary. If no widow, children to receive in equal shares. Class 2: Member dying from causes other than injuries received in line of duty, and shall have served nine years, his widow, while unmarried, to receive a pension equal to one-half salary. If no widow or if she remarries, children under 16 years to share in pension equally. If no widow or children, dependent parent to receive a pension if they do not remarry.		
Compiled Statutes 1911-1915, pp. 667-668.	Board of chosen freeholders.	Member losing life in performance of duty, his widow, while unmarried, and children to receive pension equal to one-half of salary.		
Compiled Statutes 1911-1915, pp. 662-665.	Six members. Chief of police, two superior police officers and three patrolmen.	To widow, while unmarried, a pension equal to one-half of salary. If no widow or if she remarries, minor children under 16 to receive the pension. If no widow or minor children, dependent parent, if any, shall receive pension, providing such dependent parent does not remarry.		
Acts of 1895, Ch. 91; Acts of 1910, Ch. 48.	County board of park commissioners.	In event of death incurred in line of duty, widow or children under 14 years to receive one-half of annual salary.		

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Administrative retirement board	Sick and death benefits	Provision for refund	Miscellaneous
New Jersey— (concl'd)				
Compiled Statutes 1911-1915, pp. 276-280; Laws 1919, pp. 615-617.	Five members. President of board of street and water commissioners, chief engineer, and three employees.		In case of suspension or dismissal continuing for a period of two years or more employee to receive amount paid in.	
Compiled Statutes Vol. 3, pp. 3787-3788; Laws 1919, p. 253.	In case of retirement on account of disability the governor receives the application and appoints three physicians.			
Laws 1918, pp. 978-979.				
Laws 1919, pp. 260-261.				
Laws 1919, pp. 157-186.	Seven members. Commissioner of education, state treasurer, one trustee appointed by the governor, three trustees elected by the teachers, one trustee not a teacher nor an officer of state.	Balance due to be paid to the estate or to such person having an insurable interest in his life as he shall nominate by written designation.	A teacher who ceases to teach for any cause shall be refunded the amount of his contributions.	Retirement system funds under the supervision of the state department of insurance.
Laws 1919, p. 340.	With consent of chancellor.	Various options permitted.	In case of death before retirement contributions to be paid estate.	
Compiled Statutes 1911-1915, p. 1164.		To widow, while unmarried, the pension received by her husband.		
New Mexico.		Widow to receive while unmarried, an annual pension of \$1,200.		
New York Education Law, Sections 1095-1099a.	Governing body of institution where teacher is employed and commissioner of education.			Teachers who have retired may be re-employed, compensation not to exceed \$1,000 nor be less than \$300.
Education Law, Sections 1100-1109c; Laws 1919, Ch. 103, pp. 198-201.	Five members. Appointed by the state commissioner of education. A superintendent, an academic principal, a teacher in elementary schools, and two others; at least one member must be a woman.			
Laws 1909, Ch. 431, pp. 917-919, Laws 1911, Ch. 23, pp. 30-32; Laws 1914, Ch. 356, pp. 1097-1102.	Five members appointed by county judge. Member of board of education, city or village superintendent, or principal, a district superintendent, one other county official or resident.			
Judiciary Law, Sec. 234.	Judges of county court.			
Judiciary Law, Sec. 117.				
Judiciary Law, Sec. 118, as amended by Ch. 221, Laws 1919.				
Pension Law, Secs. 410, 411, as amended by Ch. 207, Laws 1919.	Superintendent of prisons or superintendent of reformatories. Governor may revoke their action.			
Public Buildings Law, Sec. 3, par. 8, as amended by Ch. 142, Laws 1918.	Trustees of public buildings.			

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Administrative retirement board	Sick and death benefits	Provision for refund	Miscellaneous
New York— (<i>concl'd</i>)				
Insanity Law, Secs. 109-122, as amended by Ch. 499, Laws 1918.	Five members. State comptroller, medical member and legal member of State hospital commission, a representative of the officers and a representative of employees.	Death of annuitant between quarterly payments, the estate to receive amount due.	Entire amount contributed in case of discharge without fault of employee	
Banking Law, Sec. 16.	State superintendent of banks.			
Civil Service Law, Sec. 21-a.	Department or institution of State, county, or city employing veteran.			
North Carolina.....				
North Dakota, Compiled Laws 1913, Vol. 1, pp. 979-980.				
Compiled Laws 1913, pp. 361-366 as amended by Laws 1915, Ch. 140 and Laws 1919, Ch. 161.	Five members. State superintendent, State treasurer and three teachers one of whom shall be a woman. Appointed by the governor.		One-half amount contributed without interest. If member returns to teaching amount to be returned to fund with interest not to exceed 4 per cent.	
Ohio, General Code 1912, Vol. 2, pp. 667-671.	Six members. Director of public safety or fire chief and five firemen.	Determined by the local by-laws.	Determined by the local by-laws.	
Ohio, General Code 1910.	Six members, five from fire force	To widow, while unmarried, \$25 a month and each child under sixteen years, \$6 a month. If no widow or children, dependent parents receive \$25 a month.		If pensioner is convicted of a felony or is an habitual drunkard, fails to provide for family, leads an immoral life, removes from U. S., pension may be revoked or transferred to one of his dependents.
Ohio, General Code 1910.	Six members, five from fire force.	Dependents receive annuities of \$60 to \$300, based on length of service of member; each child under sixteen years \$36 to \$84 additional.		
Ohio, General Code 1912, Vol. 2, pp. 674-677.	Six members, five from police force.	Determined by local by-laws.	Determined by local by-laws.	
Acts of 1892.....	Local board.....	In event of death in line of duty or after fifteen years of service, or if an annuitant die, widow to receive \$240 annually and each child under sixteen years, \$72.		Member temporarily disabled received \$1.75 a day for 8 months if disability continues. A return to duty for one day continues disability payments.
		In event of death of active member, widow if entitled to annuity, receives \$100; if not she receives a payment of \$300.		
Acts 1903.....	Local board.....	To widow \$300 annually, and each child under sixteen years \$72.		
Acts 1904.....	Local board.....	In event of death of active member, \$240 annually to widow; \$72 annually to each child under sixteen years.		
General Code 1912, Vol. 3, pp. 886-891.	Three to seven members. Majority are teachers elected by contributors; others chosen by the board of education.		In case of death or resignation, half the amount contributed; in case of dismissal, the full amount.	

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Administrative retirement board	Sick and death benefits	Provision for refund	Miscellaneous
Oklahoma, Laws 1913, Ch. 244, as amended by Laws 1917, Ch. 161.	Five members — mayor or president of board of trustees, city clerk and city treasurer and two firemen.	In event of death, widow and children under 16 years receive pension equal to one-half salary. If widow or children marry, pension ceases.		Member for temporary disability to receive not less than \$5 a week and hospital expenses after period of six months. Member convicted of a felony or if he becomes an habitual drunkard or disobedient to rules, pension ceases.
Laws 1919, pp. 122-129.	Five members. State superintendent of public instruction State treasurer and three teachers appointed by Governor.			
Oregon.....				
Laws 1913, Ch. 287, pp. 548-552.	Three city officers.....	In event of death in line of duty, widow, while unmarried to receive a pension equal to one-third of salary; if no widow, children under 16 years to receive pension.		In event of temporary disability, member receives amount equal to salary for six months and hospital expenses. Pension ceases if annuitant becomes non-resident, is convicted of a felony or becomes an habitual drunkard.
Laws 1911, Ch. 280, pp. 510-512; Laws 1913, Ch. 58, pp. 87-88.	Board of trustees. Teachers' Retirement Fund Association.		In case of resignation, amount paid in excess of \$300 in case of dismissal, entire amount.	
Pennsylvania, Purdon's Digest, Vol. 6, Supp. 1905-1915, pp. 6830-6832; Laws 1917, pp. 689-693.	Five members. Mayor, city treasurer, city controller, one member of select council and one member of common council.		Ceasing to be an employee for any cause, all contributions without interest to be refunded. If employee returns to duty he shall return amount withdrawn. In event of death estate to be paid all contributions.	
Purdon's Digest, Vol. 6, Supp. 1905-1915, pp. 6889-6890.	Five members. Mayor city controller, president of city council and 2 employees.		All contributions without interest. In event of death estate to be paid all contributions. If employee returns to duty, amount withdrawn to be returned.	
Purdon's Digest, Vol. 5, Supp. 1905-1915, p. 5741.			All contributions paid in..	
Purdon's Digest Vol. 3, p. 2813		Benefits to be paid to families of those injured or killed in service.		
Purd'n's Digest, Vol. 6, Supp. 1905-1915, p. 6888.	Determined by city councils.			
	Firemen in city of Pittsburgh.	In event of death of active member \$1,000.		The appropriation of \$30 annual per man by the city is made as an addition to salary to get around the prohibition by the constitution against any municipality making an appropriation to any firm, corporation or individual.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Administrative retirement board	Sick and death benefits	Provision for refund	Miscellaneous
Pennsylvania— (concl'd)				
Acts 1874.....	Board of control of fifteen members of the association.	In event of death in line of duty, widow receives \$240 annually, each child under sixteen years \$72. If no widow dependent parents receive \$20. Amount in no case to exceed one-half of annual salary at death.		
Purdon's Digest, Vol. 6, Supp. 1905-1915, p. 6888.	Determined by city council.			
Laws, 1917, p. 39.				
Purdon's Digest, Vol. 3, p. 2813.		Benefits to be paid to families of those injured or killed in service.		
Purdon's Digest, Vol. 3, pp. 3546-3547.		To widow and dependents not to exceed one-half of annual salary.		Pension ceases if member is convicted of felony, habitual drunkenness or disobedience to department rules, or becomes a nonresident.
Acts 1891.....	Local board.....	To widow \$240 annually; to each child under 14 years \$72 annually. Maximum \$600 to a family.		
Acts 1893.....	Local board of directors of thirteen members.	Death benefit of \$1,000.		The appropriation of \$50 annually per member by the city is made as an addition to salary to get around the prohibition by the constitution against any "municipality making an appropriation to any individual firm or corporation.
Laws 1917, pp. 1043-1060.	Seven members. Superintendent of public instruction, state treasurer, one member appointed by the governor three teachers and one member not an employee or officer of the state to be elected by the other members.	In case of the death of the annuitant the balance of the annuity shall be payable to person having an insurable interest in the annuitant's life as he may designate.	On account of resignation or dismissal full amount of contributions or an annuity or deferred annuity the actuarial equivalent of the accumulated deductions. Employee re-entering the service to refund amount withdrawn. In case of death, estate to be paid all contributions.	The various funds shall be subject to the supervision of the state department of insurance.
Purdon's Digest, Vol. 6, Supp. 1905-1915, pp. 7551-7552; Laws 1917, pp. 559-560.	Governor.....			Retired employee to hold himself in readiness to perform special duties.
Philippine Islands. Administrative Code, 1917, pp. 387-389.	Governor-general.....	Widows and orphans may be provided for on recommendation of chief of constabulary in accordance with rules of Governor-general and his approval.		Officers, and enlisted men retired without disability may be called on for active service.
Porto Rico Laws 1915, pp. 41-42.	Insular police commission.	Fund may be used to aid families of policemen killed on duty.		

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Administrative retirement board	Sick and death benefits	Provision for refund	Miscellaneous
Porto Rico— (<i>concl'd</i>)				
Laws 1917, Vol. 2, pp. 396-402; <i>Ibid.</i> , 1919, pp. 786-788.	Five members. Commissioner of education, Insular treasurer, persons appointed by the governor, one a woman teacher, one president of a school board and one a teacher.			
Rhode Island Acts and resolves, 1916, pp. 191-192.	Six members. Mayor, president, auditor, commissioner of public buildings, chairman of park board, president of school committee.			
General Laws, 1909, pp. 1350-1351.	Board composed of two appointed by governor, one by association.	Widow, child or dependent of fireman killed on duty receives \$200.		
Public Laws 1913-14, p. 175.	Mayor and city council create list of pensioners and establish rules.			
Public Laws 1913-14, pp. 127-128; <i>Ibid.</i> , 1917-18, pp. 219-220.				
Public Laws 1900-1901, pp. 342-343; <i>Ibid.</i> , 1913-1914, pp. 126-127.	Board of police commissioners.			
Public Laws 1909-1910, pp. 665-667.	Mayor and aldermen.			
General Laws 1909, pp. 277-278; Public Laws, 1915-16, pp. 97-98.	State board of education.			
South Carolina Code 1912, Vol. 1, pp. 813-816.	Five members. Chairman of board of fire commissioners or mayor, city treasurer, fire chief and two citizens.	One hundred dollars for funeral expenses of fireman killed on duty.		
Code 1912, Vol. 1, pp. 498-499; Acts 1907, pp. 745-46; Acts 1916, pp. 881-882; Acts 1919, pp. 128-129.	Five members. Chairman and two members of board of public school commissioners, State superintendent of public schools and a teacher.			
South Dakota.				
Tennessee, Private Acts 1913, pp. 799-801. <i>Ibid.</i> , 1917, p. 2016.	Board of police and fire pension commissions composed of city board.			
Acts 1909, pp. 1523-32; Private Acts 1911, pp. 19-21.	Five members. Three members of board of safety, chiefs of police and fire departments.	In case of death on duty \$500 funeral expenses are allowed. For sickness lasting over three days, one half of salary may be paid for six months.		
Public Acts 1917 pp. 229-233.	Nine members. Five teachers, three members of local school board and the local superintendent.			
Texas, Local and Special Laws 1907, p. 654.	Board of city commissioners.			
Utah, Laws 1919, pp. 108-110.	State Industrial Commission.	Two thousand dollars to dependents when paid or voluntary fireman is killed on duty.		Firemen retired by reason of accident received in line of duty comes under Workmen's Compensation Act.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Administrative retirement board	Sick and death benefits	Provision for refund	Miscellaneous
Utah—(concl'd) Compiled Laws 1917, pp 958-960	Teachers' retirement commission three members of which must be teachers.	In event of death dependents are entitled to entire amount paid in		If teacher goes to another city in State credit for payments may be transferred
Vermont, compiled Laws 1917, p 988				Firemen and policemen come under provisions of workmen's compensation law if local authorities so elect. If city contributes to any local pension fund amount of pension is deducted from amount received under compensation law
Compiled Laws 1917, pp 291-293	Five members: Governor, commissioner of education, State treasurer, president of retirement fund association and one teacher			Town boards may pension teacher who has served thirty years. Pension not to exceed one-half annual average salary received during last five years is paid from school funds
Virginia, Code Supp 1910, pp 754-758	Firemen's relief associations chartered under the corporation law and supervised by the Virginia State firemen's association	Necessary funeral expenses. Dependents of firemen killed on duty		
Code Supp 1916, p 871	City board of fire commissioners may require payment into the corporation maintaining the fund			
Code Supp 1916, p 1157	City councils or governing boards may establish system of pensions and fund			
Code Supp 1910, pp 833-837; Ibid 1916, p 890-892	State board of education		Persons removed from retirement list received amount of money paid in by them less the amount paid. Interest 6 per cent.	Teachers may be removed or request removal from retired list when disability ceases. Female teachers who marry may be removed.
Washington, Laws 1919, pp. 668-680	Eleven members: mayor, city clerk or comptroller, three members of council and six members of fire department.	One-half monthly pension may be paid to widow and children under 18, while unmarried. In event of death on duty widow or minor children under 18, while unmarried, or dependent parents receive as pension one-half salary. In event of death from natural causes dependents may receive \$1,000 or one-fourth salary as pension; \$100 allowed for funeral expenses. Temporarily injured fireman receives salary and expenses for six months. Temporary ill fireman receives one-half regular salary.		Fireman convicted of felony or habitual drunkard may be removed from pension list.

DIGEST OF THE RETIREMENT PENSION LAWS — (Continued)

STATE	Administrative retirement board	Sick and death benefits	Provision for refund	Miscellaneous
Washington— (<i>concl'd</i>) Codes and Statutes, 1910, Vol. 2, pp. 1684-1687; <i>Ibid.</i> , Supp. 1913, pp. 1815-1817; Laws 1915, pp. 137-141.	Seven members: mayor, city clerk, treasurer, president of city council or police commissioner, and three policemen.	Widow or child of policeman killed on duty receives one-third of salary while they remain single. If no dependents, \$150 toward funeral expenses. In event of death of policeman who has served five years, or of pensioner, widow, child, or dependents receive \$1,000. In event of temporary sickness or disability received on duty, expenses and salary are paid for six months.		Retired policeman may be called on for emergency duty and must report to chief of police quarterly. Pension withdrawn for drunkenness or criminal offense or when pensioner becomes "non-resident."
Laws 1917, pp. 744-758; Laws 1919, pp. 415-419.	Five members: two of the district board of school directors and three teachers.	In event of death designated beneficiaries or heirs may be paid one-half the difference between the amount paid in by teacher and the amount received by him as disability or retirement annuity.	Discharged teacher is entitled to amount paid in less amount received by him for disability.	
West Virginia, Code, Supp. 1918, pp. 193-197.	Board having control of the fire department and five firemen.	Local board determines amount paid for temporary disability lasting not longer than ten weeks. Widow of any fireman killed on duty, if receiving no other pension, may be paid until remarriage \$20 a month and \$5 for the support of child under 16, providing total does not exceed \$30. In event of death from natural causes of fireman who has served five years same provisions apply.		
Acts 1919, p. 72....	Administered by local school boards in accordance with rules of State board of education.			
Wisconsin, Statistics 1917, pp. 809-811.	Five members: mayor, city treasurer, comptroller, president of common council and chief officer of department.			
Statutes 1917, p. 682; 806-809, 811.	Seven members: mayor or treasurer, comptroller, chief engineer and three firemen.	In event of death on duty widow or dependent parent receives one-third of monthly salary, child under 16 years receives \$6, provided total does not exceed one-half monthly salary. If widow marries, minor children get her share. In case fireman has served ten years and dies from any cause, same provisions apply.		

DIGEST OF THE RETIREMENT PENSION LAWS — (*Concluded*)

STATE	Administrative retirement board	Sick and death benefits	Provision for refund	Miscellaneous
Wisconsin-- (<i>concl'd</i>) Statutes 1917, pp. 675-677; Laws 1919 (pamphlet edition), p. 56, Ch 263; p. 61, Ch 284.	Seven members: mayor, city treasurer, comptroller, chief of police and three policemen.	In event of death on duty widow receives one-third of monthly salary, child under 16 years receives \$6, provided total does not exceed one-half salary. Widow forfeits pension on marrying. In case of policeman having served ten years or of pensioner who dies from any cause same provisions apply.		Policeman retired without disability may be assigned to light duties when deemed advisable.
Statutes 1917, p. 678; Laws 1919 (pamphlet edition), p. 32, Ch. 161.	Common council makes provision by ordinance.			
Statutes 1917, pp. 420-423; Laws 1919 (pamphlet edition), p. 222, Ch 619, pp. 273-274, Ch. 698.	Five members: State superintendent of public instruction, State treasurer, three teachers.		In event of death amount paid in may be refunded to legal representative. If teacher voluntarily withdraws one-half of amount paid in may be refunded on application.	
Wyoming.....				

APPENDIX III

DIGEST OF MUNICIPAL RETIREMENT PLANS IN NEW YORK STATE COVERING CITY OFFICIALS OTHER THAN FIRE- MEN, POLICEMEN AND TEACHERS.

Compiled by New York State Bureau of Municipal Information of The New York State
Conference of Mayors and Other City Officials

PENSION SYSTEMS FOR ALL CITY OFFICIALS OTHER THAN POLICEMEN, FIREMEN AND SCHOOL TEACHERS

NAME OF CITY	INCOME				
	Administrative board	Employees' contributions	City's direct contribution	City's indirect contribution	Other sources
Jamestown.....	Common council		Total amount to be raised by tax.		
New York City*	Board of health	One per cent of salaries		Fines and penalties for violation of health law.	Earnings of fund.
	Commissioner of street cleaning.	Three per cent of salaries; forfeitures and deductions.		Money for privilege of scow trimming or sorting refuse at dump; money from sale of ashes and condemned property of department, and barrels if removed from street; unexpended balance of salary appropriations; redemption and sale of incumbrances.	Donations; earnings of fund.
	President and trustee of Hunters college and comptroller.	By present teacher, 3 per cent of earnable salary or such per cent as shall be sufficient to provide upon retirement an annuity; or per cent greater than 3 per cent; by each new entrant, such per cent as shall procure for him an annuity.	Such amount as is needed each year to make up deficiency in all funds.		Earnings of fund.
	Board of trustees of college of city of New York			Not exceeding 1 per cent of excise money.	Earnings.
	Comptroller is treasurer.				
	Board of estimate		Total amount covered by appropriation.		
	Appellate division	One per cent of salaries	Appropriations as required.	Unexpended balance of salary appropriations.	Earnings of fund.
	Appellate division		Appropriations as required.		
Yonkers.....	Judges of Kings county court.	Three per cent of salaries.			
	Judges of court of general sessions.	Three per cent of salaries.			
All cities.....	Board of estimate		Appropriation as required.		
	Council and board of estimate.		Total to be raised by tax.		
	Legislative body and board of estimate when there is one.		Total to be raised by tax.		

*Any person on pension who accepts position under the State or city of New York has his city pension suspended and forfeited during time he holds office, provided pension and salary amount in the aggregate to less than \$1,200 annually.

NOTE.— For continuation of this table, see page 3950.

PENSION SYSTEMS FOR ALL CITY OFFICIALS OTHER THAN POLICEMEN, FIREMEN AND SCHOOL TEACHERS — (Continued)

NAME OF CITY	YEARS OF SERVICE BEFORE ALLOWANCE BEGINS		Class of employees pensioned
	With disability	Without disability	
Jamestown.....		Sixty years of age and thirty years of service, the last ten years of which must be continuous. If official served without compensation for at least eight years, the aggregate term of employment in twenty years.	All city employees except member of police department.
New York City*.....	May be retired at any time or after twenty years' service if permanently disabled. If injured in performance of duty not exceeding ten years of service; if injured not in performance of duty after ten years of service. After ten years of service if under sixty-five years of age and has had thirty years of service; each teacher retired for disability may be compelled to submit to examination and return to active service. A member who is sixty-five years of age, ten years of service and has taught for thirty years may be retired by board. He may retire on his own application if he has served for twenty years continuously or for ten years and taught in some other institution for thirty years. After thirty years' service unless a civil war veteran, and then twenty years. After twenty years of service..... Twenty-five years of service or civil war veteran who has served ten years and is seventy years of age. Twenty years of service..... Twenty years of service..... Not specified.....	After twenty years of service and sixty years of age. Sixty-five years of age upon application; present teachers with total service of thirty-five years, new entrant with total service of thirty-five years, fifteen years of which has been in city service; seventy years of age without application.....	Health department officials and employees. Street cleaning department employees. Hunter college teachers. Teachers in College of City of New York. All employees not otherwise provided for by pension fund (Grady Act). Employees of supreme court, first department. Employees of supreme court, second department Employees of Kings county court Employees of the court of general sessions. Assistant fire marshal in bureau of fire prevention.
Yonkers.....		Fifty years continuous service or seventy-five years of age and a civil war veteran employed for twenty years and unfit for service.	All city officials and employees except police and firemen.
All cities.....	At any time he becomes incapacitated if employed in manual labor.	Ten years' continuous service and seventy years of age.	All city officials and employees who are veterans of civil war

*Any person on pension who accepts position under the State or city of New York has his city pension suspended and forfeited during time he holds office, provided pension and salary amount in the aggregate to less than \$1,200 annually.

NOTE.— For continuation of this table, see page 3951.

PENSION SYSTEMS FOR ALL CITY OFFICIALS OTHER THAN POLICEMEN, FIREMEN AND SCHOOL TEACHERS — (Continued)

NAME OF CITY	AMOUNT OF RETIREMENT ALLOWANCE		
	Without disability	WITH DISABILITY	
		Not in performance of duty	In performance of duty
Jamestown.....	Not to exceed one-half average salary for last two years.		
New York City*	Not less than one-half final pay...	Not exceeding one-half salary of physician or employe of the rank of person retired after twenty years' service.	One-fourth to one-half annual salary; not exceeding one-half salary of physician or employe of rank of person retired after twenty years service.
	For retirement allowance; 25 per cent of average salary. Present teachers receive in addition, pension of one-thirty-fifth of 25 per cent of average salary for each year of prior service. An annuity which is the actual equivalent of accumulated deductions not less than a specified minimum. Present teachers may receive an annuity of the actual equivalent of his accumulated deductions plus pension of one one-hundred and fortieths of average salary for each year of total service plus one one-hundred and fortieths of average salary for each year of prior service.	Not less than one-half final pay after ten years of service.	Not less than one-half salary after ten years of service; \$25 a month if employe served less than ten years.
	Not more than one-half final pay. President receives additional \$1,000, vice-president and professors' annuity may be increased to \$3,000.	Twenty per cent of average salary; for retirement allowance and if eligible for service retirement, 25 per cent of average salary. Present teachers receive in addition pension of one-thirty-fifth of 25 per cent of average salary for each year of prior service. An annuity which is the actual equivalent of accumulated deductions, not less than a specified minimum.	
	One-half of average last two years' pay.	Maximum, one-half ave age last three years pay.	Maximum, one-half ave age last three years' pay.
	One-half of average last two years' pay.	Maximum one-half of average last two years' pay.	Maximum one-half of average last two years' pay.
	One-half of average last two years' pay.	Maximum one-half of average last two years' pay.	Maximum one-half of average last two years' pay.
Yonkers.....	One-half annual salary at time of retirement.	Maximum one-half of average last two years' pay.	Maximum one-half of average last two years' pay.
All cities.....	Not to exceed one-half annual salary.	Maximum one-half of average last two years' pay.	Maximum one-half of average last two years' pay.
		Fixed by board.	
		One-half annual salary not to exceed \$1,000.	

* Any person on pension who accepts position under the State or city of New York has his city pension suspended and forfeited during time he holds office, provided pension and salary amount in the aggregate to less than \$1,200 annually

NOTE — For continuation of this table, see page 3952

PENSION SYSTEMS FOR ALL CITY OFFICIALS OTHER THAN POLICEMEN, FIREMEN AND SCHOOL TEACHERS — (Continued)

NAME OF CITY	DEATH BENEFITS		Benefits at resignation or dismissal	Miscellaneous
	If member dies from ordinary causes	If member dies as result of performance of duty		
Jamestown				
New York city*	<p>To widow of member who died after ten years of service or after having been retired, not exceeding \$200 a year. If there be children under eighteen years, amount is divided. Pension to widow ceases if she dies or remarries. If there be no widow or if widow dies minor children receive not exceeding \$200 a year. If there be no children or widow dependent widowed mother receives amount.</p> <p>The following four options: (1) If teacher died before receiving present value of annuity, pension or retirement allowance balance paid to legal representative; (2) annuity pension or retirement allowance is continued throughout the life of and paid to person having insurable interests in his life as he nominates; (3) one-half annuity, pension or retirement allowance continued throughout the life of and paid to person nominated by him; (4) some other benefit is paid to contributor or such person as he nominates provided benefits with such lesser annuity, pension or retirement allowance is of equivalent actuarial value.</p>	<p>To widow or dependent widowed mother \$300 annually, unless she remarries. If there be no widow, amount goes to children under eighteen years of age.</p> <p>To widow not exceeding \$300 a year. If there be no widow or if widow dies, minor children receive not exceeding \$200 a year. If there be no widow or minor children dependent widowed mother receives not exceeding \$200 a year.</p>	<p>Paid full amount of accumulated deductions to his credit in annuity saving fund.</p>	<p>Auditing committee of three members of department appointed by mayor.</p>

* Any person on pension who accepts position under the State or city of New York has his city pension suspended and forfeited during time he holds office, provided pension and salary amount in the aggregate to less than \$1,200 annually

APPENDIX IV

DIGEST OF MUNICIPAL RETIREMENT PLANS IN NEW YORK STATE COVERING FIREMEN

(Compiled by the New York State Bureau of Municipal Information of the New York State
Conference of Mayors and other City Officials)

PENSION SYSTEMS FOR FIREMEN IN NEW YORK STATE CITIES

NAME OF CITY	INCOME				
	Administrative board	Employees contribution	City's direct contribution	City's indirect contribution	Other sources
Albany.....	Mayor, comptroller, commissioner of public safety.	Fines, penalties and forfeitures, 1 per cent of salary for pension fund, not less than \$1 or more than \$2 per month by each employee and pensioner for insurance fund.	Such sum to meet deficiencies as council and board of estimate may direct.	Such portion of fees for licenses or sale of combustibles as council may direct; also fines or revenue for extinguishing chimney fires; foreign fire insurance tax.	Earnings of fund, money, fees, gifts, testimonials and emoluments.
Amsterdam.....	Mayor, city treasurer, commissioner of public safety and three members of department.	One per cent salary. Fines, penalties and forfeitures.		Foreign fire insurance tax. Such penalties for violation of ordinances as council directs.	Earnings of fund.
Auburn.....	Mayor, comptroller, fire commissioner, city treasurer and one member of department.	Fines, penalties; 1 per cent of salaries.	Such sums as board of estimate and comptroller may determine.	Foreign fire insurance tax.	Donations to fund or department; earnings of fund.
Binghamton.....	Mayor, comptroller, city treasurer, commissioner of public safety and one member of department. Corporation counsel is legal advisor.	Fines, penalties and forfeitures; 2 per cent of salary.	Not less than \$2500 annually.	Foreign fire insurance tax; not exceeding 2 per cent of excise tax; council may direct payment of any penalties for violation of ordinances.	Earnings of fund; awards, fees, gifts or emoluments to members of department; moneys raised by entertainment.
Buffalo.....	City council.....	Fines, penalties and forfeitures; 4 per cent of salaries.		Money received from sale of condemned property of department provided does not exceed \$250 for any one article; fees for licenses for keeping or sale of explosives; fines for prevention and extinguishment of fires and for carrying explosives; 3 per cent of excise tax.	Earnings of fund; rewards, fees, gifts or emoluments for extraordinary service.
Elmira.....	Board of fire commissioners.	Fines, penalties and forfeitures.		Two-thirds of foreign fire insurance tax; 5 per cent of excise tax; moneys received from sale of condemned property of department when same does not exceed \$125 in value of each article.	Earnings of fund; rewards, fees, gifts or emoluments; receipts from entertainments.

NOTE: If an active member of a volunteer fire company in any city dies from injuries incurred while in the performance of duties such firemen within 1 year thereafter the city must pay as follows: (a) If such volunteer fireman is a member of a fire company located in the city in which a pension fund is maintained the relatives of such fireman receive a pension in the same manner and at the same rates as if he were a member of the paid fire department. (b) If in a city not maintaining a pension fund for the benefit of the members of the paid department the city must pay to the executor or administrator of such deceased fireman \$2500.

Any such volunteer fireman who becomes permanently incapacitated for performing the full duties of a volunteer fireman by reason of disease or disability caused or induced by actual performance of the duties of his position.

(a) If such a member of a volunteer company located in a city in which a pension fund is maintained, he receives a pension in the same manner and at the same rate as if he were a member of the paid fire department.

(b) If a member of a volunteer company in any other place, he receives one-half the amount which would have been payable in case of his death to his executor or administrator.

NOTE.—For continuation of this table, see page 3959.

PENSION SYSTEMS FOR FIREMEN IN NEW YORK STATE CITIES — (Continued)

NAME OF CITY	INCOME				
	Administrative board	Employees contribution	City's direct contribution	City's indirect contribution	Other sources
Fulton.....	Mayor, fire and police commissioners and chamberlain. City clerk is clerk.	Fines, forfeitures and penalties; \$1 per month by each member.	Not less than \$275 annually.	Moneys received from sale of condemned property of department except horses when same does not exceed \$150 for any one article; fees for licenses for keeping or sale of explosives; fines and penalties for violation of rules, for prevention and extinguishing of fires and for carrying explosives.	Earnings of fund; rewards, gifts, fees and emoluments.
Ithaca.....	Fire commissioners.	None.....	None.....	Foreign fire insurance tax.	Gifts.
Jamestown.....	Common council.....	.....	Such sums as council authorizes to be raised by tax.	.....	.....
Kingston.....	Fire commrs. city treasurer is treasurer of fund	Fines, two per cent of salary.	Not less than \$1000 annually.	.....	Earnings of fund; one-half of all rewards to members; donations, legacies, gifts and bequests.
Lockport.....	Mayors, treasurer, President, bd. of fire commrs. Clerk of fire commrs. is clerk, Corporation counsel is legal advisor.	Fines, penalties and forfeitures; two per cent of salaries.	Not exceeding \$500 annually appropriated from revenues from sources other than municipal tax.	Money from sale of condemned property of dept. which does not exceed \$50 in value of any one article; money received as rental for use of dept. property; fees for licenses for sale of explosives; any penalty for violation of city ordinances as may be authorized by council.	Earnings of fund; rewards, fees, gifts or emoluments; money raised by entertainment.
Mt. Vernon.....	Mayor, fire commrs. and one member of paid firemen's association.	Fines, penalties and forfeitures; two per cent of salaries.	.....	Five per cent of excise tax.	Ten per cent of donations and compensation paid to members for extraordinary service; earnings of fund.
New Rochelle...	Mayor, fire commrs. and chief of dept.	Fines, forfeitures and penalties; two per cent of salaries.	.....	Five per cent of excise tax.	Earnings of fund.

NOTE: If an active member of a volunteer fire company in any city dies from injuries incurred while in the performance of duties of such firemen within 1 year thereafter the city must pay as follows: (a) If such volunteer fireman is a member of a fire company located in the city in which a pension fund is maintained the relatives of such fireman receive a pension in the same manner and at the same rates as if he were a member of the paid fire department. (b) If in a city not maintaining a pension fund for the benefit of the members of the paid department the city must pay to the executor or administrator of such deceased fireman \$2500.

Any such volunteer fireman who becomes permanently incapacitated for performing the full duties of a volunteer fireman by reason of disease or disability caused or induced by actual performance of the duties of his position

(a) If such a member of a volunteer company located in a city in which a pension fund is maintained, he receives a pension in the same manner and at the same rate as if he were a member of the paid fire department.

(b) If a member of a volunteer company in any other place, he receives one-half the amount which would have been payable in case of his death to his executor or administrator.

NOTE. — For continuation of this table, see page 3959.

PENSION SYSTEMS FOR FIREMEN IN NEW YORK STATE CITIES — (Continued)

NAME OF CITY	INCOME				
	Administrative board	Employees contribution	City's direct contribution	City's indirect contribution	Other sources
New York.....	Commr. of fire dept.	Fines, forfeitures and deductions; for life insurance fund, \$1 per mth. from salary of members and pension of retired members until fund reaches \$10,000, thereafter such assessments as are necessary to maintain the fund of \$10,000, such assessment not to exceed \$2 per mth.	Annual appropriation to make up any deficit.	Ten per cent of Manhattan, Brooklyn and Bronx, four and one-half per cent of Queens & Richmond excise moneys per annum.; forty-five per cent of foreign fire insurance tax; all Manhattan, Brooklyn and Bronx, and forty-five per cent of Queens and Richmond prevention of fire license fees and penalties; condemned departmental property; fines for violation of Agriculture Law.	For pension fund, rewards, gifts, fees, emoluments and testimonials; for insurance fund, not exceeding \$5000 annually from relief funds.
Niagara Falls....	Mayor, councilmen, treasurer and chief engineer.	Fines, penalties and forfeitures.	Not exceeding \$2000 annually appropriated from sources other than municipal tax.	Money from sale of condemned property of dept. which does not exceed \$250 in value for any one article; fees for licenses of keeping and sale and carrying and removal of explosives.	Earnings of fund; rewards, gifts or emoluments.
Oswego..... (Fire and Police Pension Combined)	Mayor, police and fire commrs. and chamberlain.	Fines, forfeitures and penalties; \$1 per mth. from salaries of paid men and \$1 for each 3 mths. from pay of real firemen.	.....	Ten per cent of excise tax; all lost or stolen property remaining in hands of magistrate for six mths. money received from sale or rental of old hose.	All moneys paid for special service; earnings of fund; rewards, fees, gifts, testimonials or emoluments to any member or dept.
Rochester.....	.....	Fines, penalties and forfeitures; two per cent of salaries.	Not less than \$3000 annually	Fees received for licenses of public places of amusement; fines for violations of ordinances relating to management of or interference with fire force and erection of wooden buildings; two per cent of excise tax.	Awards, fees, gifts and testimonials. Earnings of fund.
Rome.....	Mayor, treasurer, fire and police commrs. Clerk of commission is clerk, city attorney is legal advisor.	Fines, penalties and forfeitures; two per cent of salary.	Each yr. sum sufficient to make up any deficit in emergency fund of \$2000. Can't exceed sum equal to amt. paid for pensions.	Council may authorize payment of any penalty for violation of city ordinance.	Rewards, fees, gifts and emoluments; money from entertainments; earnings of fund.

NOTE: If an active member of a volunteer fire company in any city dies from injuries incurred while in the performance of duties of such firemen within 1 year thereafter the city must pay as follows: (a) If such volunteer fireman is a member of a fire company located in the city in which a pension fund is maintained the relatives of such fireman receive a pension in the same manner and at the same rates as if he were a member of the paid fire department. (b) If in a city not maintaining a pension fund for the benefit of the members of the paid department the city must pay to the executor or administrator of such deceased fireman \$2500.

Any such volunteer fireman who becomes permanently incapacitated for performing the full duties of a volunteer fireman by reason of disease or disability caused or induced by actual performance of the duties of his position.

(a) If such a member of a volunteer company located in a city in which a pension fund is maintained, he receives a pension in the same manner and at the same rate as if he were a member of the paid fire department.

(b) If a member of a volunteer company in any other place, he receives one-half the amount which would have been payable in case of his death to his executor or administrator.

NOTE. — For continuation of this table, see page 3959.

PENSION SYSTEMS FOR FIREMEN IN NEW YORK STATE CITIES — (Concluded)

NAME OF CITY	INCOME				
	Administrative board	Employees contribution	City's direct contribution	City's indirect contribution	Other sources
Saratoga..... (Fire and Police Pensions Combined)	City Council.....	Fines; two per cent of salary.	Each year a sum sufficient to make up deficit in emergency fund of \$3000. Cannot exceed sum equal to amt. paid in pensions.	Ten per cent of dog license fund and all other license fees; all lost or stolen property remaining with judge for 6 mths., sale or rental of hose.	Rewards, fees, gifts, testimonials, emoluments; money paid for special services, legacies and donations; earnings of fund.
Schenectady....	Mayor, comptroller and commr. of pub. safety.	Fines, penalties and forfeitures, \$1 mth. from salaries	Three per cent of pay-roll of dept.	.....	Rewards, fees, gifts, testimonials and emoluments. Earnings of fund.
Syracuse.....	Mayor, comptroller and commr. of public safety.	Fines, penalties, forfeitures and deductions; one per cent of salary.	Such amount as bd. of estimate and council may determine.	Foreign fire insurance tax; such proportion of all revenues from licenses or permits as bd. of estimate may determine, except those issued by officer or bureau of department of pub. safety; money from sale of condemned property of dept. when same does not exceed \$250 in value for any one article.	Rewards, gifts, fees and emoluments; earnings of fund.
Troy.....	Mayor, treasurer, commr. pub. safety chief engineer, and president of Firemen's Mutual Benevolent Asso.	Fines, penalties, forfeitures and deductions; one per cent of salaries.	.....	Money from licenses for places of amusement; penalties for violations of ordinances relating to management of or interference with dept; 2 per cent of excise tax; proceeds of sale of condemned property of dept. when same does not exceed \$100 in value for any one article.	Rewards, gifts, fees, testimonials and emoluments; earnings of fund.
Utica.....	Mayor, treasurer, commr. pub. safety and three members of dept. Corporation counsel is legal adviser.	Fines, penalties and forfeitures; 2 per cent of salaries.	\$2,000 a year.....	Two per cent of excise tax; council may authorize payment of penalties for violation of city ordinances.	Rewards, fees, gifts and emoluments; moneys from entertainments; earnings of fund.
Watertown.....	Bd. of pub. safety..	Fines, penalties and forfeitures; 1 per cent of salary.	.....	Foreign fire insurance tax.	Rewards, fees, gifts and emoluments; money from entertainments; earnings of fund.
White Plains....	Common council...	Fines, forfeitures and deductions; 2 per cent of salary.	Any moneys council may pay into fund from any source.	.....	Rewards, gifts and emoluments; earnings of fund.
Yonkers.....	Mayor, comptroller and commr. pub. safety.	Fines, forfeitures and deductions; 2 per cent of salary.	One and one-half times amt. of money deducted from pay of members.	.....	Rewards, gifts, fees and emoluments; earnings of fund.

NOTE: If an active member of a volunteer fire company in any city dies from injuries incurred while in the performance of duties of such firemen within 1 year thereafter the city must pay as follows: (a) If such volunteer fireman is a member of a fire company located in the city in which a pension fund is maintained the relatives of such fireman receive a pension in the same manner and at the same rates as if he were a member of the paid fire department. (b) If in a city not maintaining a pension fund for the benefit of the members of the paid department the city must pay to the executor or administrator of such deceased fireman \$2500.

Any such volunteer fireman who becomes permanently incapacitated for performing the full duties of a volunteer fireman by reason of disease or disability caused or induced by actual performance of the duties of his position.

(a) If such a member of a volunteer company located in a city in which a pension fund is maintained, he receives a pension in the same manner and at the same rate as if he were a member of the paid fire department.

(b) If a member of a volunteer company in any other place, he receives one-half the amount which would have been payable in case of his death to his executor or administrator.

NOTE.— For continuation of this table, see page 3959.

PENSION SYSTEMS FOR FIREMEN IN NEW YORK STATE CITIES — (Continued)

NAME OF CITY	YEARS OF SERVICE BEFORE ALLOWANCE		AMOUNT OF RETIREMENT ALLOWANCE	
	With disability	Without disability	Without disability	With disability
Albany.....	Commissioner may retire member at any time if examination shows he is incapacitated; member may retire upon own application and after examination showing he is permanently incapacitated, provided he has served ten years.	Twenty-five years of service and has reached age of fifty-five years.	One-half annual salary at time of retirement.	One-half annual salary at time of retirement.
Amsterdam.....	If not permanently incapacitated, may be retired by commissioner before ten years of service but must remain under orders. If permanently incapacitated and so certified by physician, member may be retired on his own application after ten years of service.	Twenty years of service...	One-half annual salary at time of retirement or less if condition of fund warrants.	One-half annual salary at time of retirement or less if condition of fund warrants.
Auburn.....	After fifteen years if examination shows member is disqualified; at any time if member is injured in actual performance of duty.	After twenty-five years of continuous service.	One-half annual salary at time of retirement.	One-half annual salary at time of retirement.
Binghamton.....	Member may be discharged at any time or after twenty years of service if examination shows he is incapacitated; member may retire at any time after eight years of service if examination shows he is incapacitated. If retired or discharged he remains under orders of commissioner.	Twenty years of service....	One-half annual salary not to exceed \$60 per month. May be diminished pro rata if condition of fund warrants.	One-half annual salary not to exceed \$60 per month. May be diminished pro rata if condition of fund warrants.
Buffalo.....	Board may retire at any time any member whose examination shows he is physically unfit for service; member may retire at any time upon own application provided examination shows he is permanently incapacitated.	.....	.....	One-half annual salary at time of retirement or less if condition of fund warrants.
Elmira.....	Board may retire member at any time when examination shows he is incapacitated; member may retire at any time upon application and examination showing he is incapacitated.	Twenty-five years of service.	One-half annual salary at time of retirement.	One-half annual salary at time of retirement or less if condition of fund warrants. If sick from natural causes or injured while on duty, member is compensated in an amount and for a period to be fixed by trustee.
Fulton.....	Board may retire member at any time or member may retire on own application when examination shows he is incapacitated. Member remains subject to orders of department.	Twenty years of service and at least sixty years of age; remains subject to orders of department.	Fifty dollars per month.	Six hundred dollars annually for total disability, and not less than twenty-five per cent of salary for partial disability received in performance of duty. When permanently incapacitated while not in actual performance of duty, \$25 for each year of service, not to exceed a total of \$600.

NOTE.—For continuation of this table, see page 3963.

PENSION SYSTEMS FOR FIREMEN IN NEW YORK STATE CITIES — (Continued)

NAME OF CITY	YEARS OF SERVICE BEFORE ALLOWANCE		AMOUNT OF RETIREMENT ALLOWANCE	
	With disability	Without disability	Without disability	With disability
Ithaca.....	Nothing specified.....	Nothing specified.....	Determined by commissioners for each case.	Determined by commissioners for each case.
Jamestown.....		Sixty years of age and thirty years in city employ and at least ten years consecutively immediately prior; if employee has served without compensation consecutively for not less than eight years immediately prior. Aggregate term of employment must be twenty years. Interruption of five months in any one year destroys continuity.	Not more than one-half average amount of annual salary for two years preceding his retirement.	
Kingston.....	Member may be retired by board or may retire on application at any time when examination shows he is incapacitated. Application must be approved by two-third vote of board.	Twenty years of service or sixty years of age.	One-half annual salary at time of retirement. Cannot be revoked, repealed or diminished.	One-half annual salary at time of retirement. Cannot be revoked, repealed or diminished.
Lockport.....	Board by unanimous vote may retire any member certified as incapacitated; it may also by unanimous vote retire any member upon application after examination showing him to be incapacitated.	Twenty years of service...	One-half annual salary at any time of retirement, or less if condition of fund warrants.	One-half of annual salary at time of retirement, or less if condition of fund warrants.
Mt. Vernon.....	Commission may retire at any time any member certified to be incapacitated.	Fifty-five years of age and twenty-five years of service.	Not less than one-half annual salary at time of retirement.	For total permanent disability one-half annual salary at time of retirement. If disqualified for active duty in uniform department only, member is employed at salary received when such disability occurred in some other position in department. For partial disability member is relieved from active service at fires but remains a member of uniformed force and is subject to light duty and receives not exceeding one-half salary at time of such retirement.
New Rochelle....	Fire commissioners may retire any member certified as incapacitated.	Same as for Mt. Vernon...	Same as for Mt. Vernon.	Same as for Mt. Vernon.

NOTE.— For continuation of this table, see page 3963.

PENSION SYSTEMS FOR FIREMEN IN NEW YORK STATE CITIES — (Continued)

NAME OF CITY	YEARS OF SERVICE BEFORE ALLOWANCE BEGINS		AMOUNT OF RETIREMENT ALLOWANCE	
	With disability	Without disability	Without disability	With disability
New York.....	For disability pension not in performance of duty less than ten years service or after ten years service and less than twenty years service or after twenty years service; for disability pensions in performance of duty for less than twenty years service or more than twenty years service.	For twenty year service...	Not less than one-half annual salary at time of retirement. Cannot be revoked, recalled or diminished.	For disability pension not in performance of duty one-third final pay after less than ten years service not more than one-half final pay after ten and less than twenty years service and not less than one-half final pay after twenty years service. Disability pension in performance of duty not more than final pay after less than twenty years service and not less than one-half final pay after twenty years service. If only disqualified from performing active duty member shall be employed at same salary previously received in some position in department not requiring active duty. Pensions may be diminished if condition of fund warrants.
Niagara Falls....	City manager may retire any member incapacitated at any time; any member may be retired on own application if certified to be incapacitated.			One-half annual salary at time of retirement or less if condition of fund warrants.
Oswego (fire and police pension combined).	Board by vote of three may retire any member certified as incapacitated at any time; it may retire any member unfit for duty after twenty years of service.	Sixty-five years of age....	Not more than one-half annual salary.	Not more than one-half annual salary.
Rochester.....	Commissioner of public safety may retire any member certified to be incapacitated after twenty years of service; he may also retire any member at any time who becomes permanently unfitted for duty.	Paid or minute men may be retired by commissioner upon application and after twenty years of service; former member of paid force, either paid or minute men may be retired provided they retire from force since establishment of fund and contributed for at least five years.	Not less than one-half salary at time of retirement or less if condition of fund warrants.	Not less than one-half salary at time of retirement or less if condition of fund warrants.
Rome.....	Any member may be retired at any time during disability but remains under orders of department. Any member may be retired on application if certified to be permanently incapacitated.	Twenty years and incapacitated and has reached age of sixty years.	One-half annual salary at time of retirement.	One-half annual salary at time of retirement.
Saratoga (fire and police pensions combined).	Commissioner may retire any member certified to be incapacitated at any time; any member unfit for service and who has served for twenty years may be retired.	Commissioner of public safety may retire any member who has reached the age of sixty-five.	One-half annual salary..	One-half annual salary.

NOTE.— For continuation of this table, see page 3963.

PENSION SYSTEMS FOR FIREMEN IN NEW YORK STATE CITIES — (Concluded)

NAME OF CITY	YEARS OF SERVICE BEFORE ALLOWANCE BEGINS		AMOUNT OF RETIREMENT ALLOWANCE	
	With disability	Without disability	Without disability	With disability
Schenectady.....	Trustees may retire any member at any time who becomes permanently incapacitated.	Twenty years of service and incapacitated.	Not less than one-half annual salary.	Not less than one-half annual salary.
Syracuse.....	Board by majority vote may retire any member for disability, but such member unless he has served twenty years or is a veteran of the Civil War, shall remain under orders of trustees; board may retire any member on his application who is incapacitated.	Twenty years in service and has reached sixty-five years of age.	One-half annual salary at time of retirement or less if condition of fund warrants.	One-half annual salary at time of retirement or less if condition of fund warrants.
Troy.....	Same as for Syracuse.....	No time specified.....	Not less than one-half salary at time of retirement.	Not less than one-half salary at time of retirement.
Utica.....	Any member may be retired during disability but unless he has served twenty years he remains under orders; and member permanently incapacitated may be retired upon application.	Twenty years in service...	One-half annual salary at time of retirement or less if condition of fund warrants.	One-half annual salary at time of retirement or less if condition of fund warrants.
Watertown.....	Board may retire incapacitated member at any time; and any member may be retired upon application and certification that he is incapacitated.	Twenty years of service...	One-half annual salary at time of retirement or less if condition of fund warrants.	One-half annual salary at time of retirement or less if condition of fund warrants.
White Plains.....	Any incapacitated member may be retired at any time.	Twenty years of service...	Not exceeding one-half salary or less than one-fourth salary of a member of the rank of the member retired.	Such sum as the trustees fix.
Yonkers.....	Trustees may retire or relieve from service at fires at any time any incapacitated member.	Twenty years of service and sixty-five years of age.	Not less than one-half annual salary at time of retirement. Cannot be revoked, repealed or diminished.	For total disability one-half annual salary at time of retirement or less if condition of fund warrants. For partial disability member shall be employed at some position not requiring active service but at same salary he previously received. If injured while not in performance of duty he receives same pension as above for permanent disability and for partial disability. In case of partial permanent disability received while in performance of duty member is assigned to light duty and receives not exceeding one-half annual compensation or less if condition of fund warrants.

NOTE.—For continuation of this table, see page 3693.

PENSION SYSTEMS FOR FIREMEN IN NEW YORK STATE CITIES — (Continued)

NAME OF CITY	DEATH BENEFITS		Benefits at resignation or dismissal	Miscellaneous
	If member dies from ordinary causes	If member dies as result of performance of duty		
Albany.....	Five hundred dollars to any beneficiary named in designation.	Five hundred dollars to any beneficiary named in designation.	Forfeits all rights and privileges in connection with pension fund but may avail himself of privileges of insurance fund by making regular contributions.	
Amsterdam.....	Same as if member dies as result of performance of duty provided he served for ten years.	Not exceeding \$300 annually to widow, but if there be children under eighteen years of age amount may be divided among widow and children. Not exceeding \$300. to children under eighteen years, if there be no widow or if widow dies. Not exceeding \$300 annually to dependent parent if there be no widow or children. Widow's benefit ceases when she remarries and children's benefit ceases when they become of age. Board may terminate or diminish pensions when they decide that necessity of beneficiaries do not require its continuance.		No pension paid until fund reaches \$20,000. Pension and benefit not guaranteed by city or trustees.
Auburn.....	Provided members serve for fifteen years and death occurred either in active service or after retirement on pension same benefits as if member died as result of performance of duty.	To widow, not exceeding \$25. per month until she dies or remarries. If there be no widow to children under sixteen years not exceeding \$25. per month. If there be widow and children, widow may be allowed \$5. additional for each child per month. If there be no widow or children, dependent parents receive not exceeding \$25. per month.	No pension allowed to any person dismissed for cause.	Every person retired, except after twenty-five years service, remains under orders of fire commissioner. Pensions may be proportionately abated if fund warrants. Call-men are considered members of department. Time to be credited is computed on basis of salary received as compared with salary of average member in full service, including officers during such period.
Binghamton.....		Not exceeding \$25. per month to widow. If there be no widow or widow dies, not exceeding \$25. per month to children under eighteen years of age. If there be widow and children not exceeding \$5 per month to each child. Total to widow and children can't exceed \$35. per month. Board may cancel at any time if widow remarries. To dependent parents, if there be no widow or children, not exceeding \$25. per month. Pension to children ceases when they become eighteen years of age or marry. Board may diminish or terminate when condition of funds warrant or when it deems necessity warrants.		Trustees may use discretion in granting or allowing any pension or charging the same to pension fund, except in case of firemen whose service has been twenty years. No pension paid until fund amounts to \$8000. and no pension paid to firemen retiring upon own application without examination until fund amounts to \$15,000.
Buffalo.....	Same benefits as if member died in performance of duty, provided he has been retired and is on pension.	Twenty-five dollars monthly to widow unless she remarries. To each child under sixteen years of age \$5 per month. If widow dies or remarries benefit allowed her goes to children or in case there is no widow or dependent parents the benefit provided for them is paid to child or children. Total amount paid to widow and children can't exceed one-half annual salary of member at death or retirement. To dependent parents provided there are no children or widow, \$25. per month.		

PENSION SYSTEMS FOR FIREMEN IN NEW YORK STATE CITIES — (Continued)

NAME OF CITY	DEATH BENEFITS		Benefits at resignation or dismissal	Miscellaneous
	If member dies from ordinary causes	If member dies as result of performance of duty		
Elmira.....	Same as if death resulted in performance of duty.	To widow until death or remarriage not exceeding \$25. per month. If there be no widow or widow dies, to the children under sixteen years not exceeding \$25. per month. If there be both widow and children each child may receive \$5. per month. Total to widow and children can't exceed \$30. per month. If there be no widow or children dependent parents receive not exceeding \$25. per month.		Trustees may use discretion in granting pensions except in case of firemen who have served twenty-five years.
Fulton.....	Widow unless she remarries and children under sixteen years of age receive \$300. annually.	Three hundred dollars per year to widow and children. This ceases if widow remarries and when children reach sixteen years of age. If there be no widow or children, amount goes to dependent parents		
Ithaca.....				
Jamestown.....				
Kingston.....	Five hundred dollars to widow or to children under twenty-one years of age if there is no widow or to dependent mother if there is no widow or children under twenty-one years of age.	Five hundred dollars to widow or to children under twenty-one years if there is no widow; or to dependent mother if there is no widow or children; also to widow with no children under eighteen years of age, 30 per cent of salary of member; to children under eighteen years of age, 10 per cent of salary to each child. If widow dies any child under eighteen years of age received 15 per cent of salary of member. Total amount shall not exceed 70 per cent of such wage. If there be no widow or child or if amount paid to widow and children is less than 70 per cent of salary, then to each dependent parent 25 per cent of salary during dependency, but aggregate cannot exceed difference between 70 per cent and amount paid to widow and children.	Entitled to no benefits if dismissed for misbehavior or neglect of duty.	City and trustees not liable. If member is killed by negligence or wrong of another, and his dependents take benefits, it shall operate as assignment to said trustees of any judgment recovered in any action. Same compensation paid to dependents of any member of volunteer fire department.
Lockport.....		To widow not exceeding \$25. per month. To children under eighteen years of age if there be no widow or if widow dies, not exceeding \$25. per month. The same to dependent parents if there be no widow or children. If there be both widow and children each child may receive not more than \$5. per month. The total to widow and children cannot exceed \$35. per month.		Trustees may order any pension to cease except in cases where firemen have served twenty years. Trustees are not liable for any pension. Chief and superintendent of fire alarm not eligible until they are appointed for indefinite period.
Mt. Vernon.....	Same as if member dies as result of performance of duty providing he served twenty years or was on pension.	To widow not less than \$300. per annum. If there be children under sixteen years then sum is divided among widow and children in such proportion as trustees direct. If there be no widow, or widow dies, minor children receive not less than \$300 a year. Same amount goes to dependent parents if there be no widow or children. These pensions may be diminished, modified or revoked by trustees. Widow's pension ceases if she remarries.		Auditing committee consists of two members of fire department, the comptroller and one member selected by pensioners.

PENSION SYSTEMS FOR FIREMEN IN NEW YORK STATE CITIES — (Continued)

NAME OF CITY	DEATH BENEFITS		Benefits at resignation or dismissal	Miscellaneous
	If member dies from ordinary causes	If member dies as result of performance of duty		
New Rochelle.....		Same as for Mt. Vernon.....		Same as for Mt. Vernon.
New York.....	Same as if member died as result of perfor- mance of duty except as noted in next column.	To widow until she dies or remarries. to children under eighteen years or to dependent parents, not more than \$300 annually to representa- tive or representatives of such member. If member, regular or probationary, is killed in perfor- mance of duty or if death ensues from injuries, widow receives not exceeding one-half salary at date of his decease and in case of pro- bationary member one-half salary of 4th grade member. If allowance does not exceed \$600 trustees may increase it not to exceed \$600. Amount to widow shall not exceed \$1000. annually. If there be no widow, dependent parents or chil- dren under eighteen years of age until death or marriage or until they become eighteen years of age receive not to exceed one-half salary of member at date of decease. Total can't exceed \$500. If pension to widow ceases because of her death, remarriage or mis- conduct, trustees may make pay- ments to children or dependent parents. For pension fund \$1000. to legal representative or widow.		Auditing committee of three appointed by mayor, two from department and one from retired members.
Niagara Falls.....	Same as if member died as result of perfor- mance of duty	To widow \$25. per month provided she does not remarry. To each child \$5. per month until sixteen years of age. If widow dies or re- marries, then children receive \$25. per month. Total to widow and children can't exceed one-half salary at time of death or retire- ment. If there be no widow or children dependent parents receive \$25 per month.		Trustees may take by gift, grant, devise or bequest any real or personal property the income from which does not exceed \$30,000.
Oswego..... (Fire and Police Pension Fund Combined)	The same as if member died as result of per- formance of duty.	To widow \$250. If there be no widow sum is divided among children under eighteen years in such pro- portion as board directs, or may be paid in whole or part to any de- pendent relative or relatives in dis- cretion of trustees.		Trustees may order any pension or part thereof except in case where fire- men retired after 20 years' service or for having reached age of sixty-five years.
Rochester.....	Same as if member died as result of perfor- mance of duty, except he must have served for fifteen years or have been retired on a pension.	Commissioner may grant pensions as follows: Not exceeding \$300. a year to widow, if there are children under eighteen years, commissioner may divide pension. If there is no widow or if widow dies, children may receive pension. If there are no children or widow dependent parents receive pension. If there are no children, parents or widow, then dependent's brothers and sis- ters under sixteen years of age get pensions. If retired member mar- ries his widow and children receive no pension. If widow remarries pension ceases.		Commissioner may revoke or diminish pension except firemen has served twenty years or receives injuries in actual per- formance of duty. Audit- ing committee consists of three members chosen by and from fire force, in- cluding those retired.

PENSION SYSTEMS FOR FIREMEN IN NEW YORK STATE CITIES — (Continued)

NAME OF CITY	DEATH BENEFITS		Benefits at resignation or dismissal	Miscellaneous
	If member dies from ordinary causes	If member dies as result of performance of duty		
Rome.....	If retired member dies, pension to widow, children and parents is same as if member died as result of actual performance of duty.	To widow and children not exceeding one-half monthly salary at time of death of member. If there be no children under eighteen years of age amount goes to widow. If there be children, amount may be divided among widow and children. If there be no widow or widow dies or remarries children receive pension. Amount goes to dependent parents if there be no widow or children. Pension may be revoked or reduced by trustees when they deem necessities do not require continuance.		Any member retired on pension cannot be employed by any other city department.
Saratoga (Fire and Police Pensions Com- bined)		To widow \$250. If there be no widow amount is divided among children under sixteen or may be paid in whole or in part to dependent parents.		Board may modify or revoke any pension except in case of fireman who has served twenty years or has reached the age of sixty-five. Callmen are not pensioned.
Schenectady.....		To widow \$500. If there be no widow or she did not live with him at time of death, then children under eighteen years receive amount apportioned by board. If there be no children then sister with whom member was living receives amount. If there be no sister, then amount is paid to beneficiary, executor, or administrator.		Board may revoke any pension except to firemen who have served twenty years.
Syracuse.....	Same as if member had died as result of performance of duty, provided he was on pension or had served ten years.	To widow not exceeding \$25. per month. It ceases if she remarries. To children under eighteen years, if widow dies or there be no widow, not exceeding \$25. per month. If there be both widow and children, each minor child may receive \$5. per month. Total to widow and children can't exceed \$35. per month. If there be no children or widow dependent parents receive benefit.		Not obligatory upon trustees to grant pensions except to firemen who have served twenty years.
Troy.....	Same as if member died as result of performance of duty provided he was on pension or had served consecutive years.	Same as for Syracuse.....		
Utica.....	Same as if member died as result of performance of duty provided he had served for ten years. If member served for five years widow and children receive not exceeding one-quarter monthly salary. To widow, children or dependent parents of deceased who had been retired after twenty years of service sum per month shall not exceed monthly payment of pension. Board may terminate any pension.	To widow and children not exceeding one-half monthly salary at time of death of member. If there be no children under eighteen all goes to the widow. If there be no widow or if widow remarries, children under eighteen years receive amount. If there be no widow or minor children dependent parents receive amount. Board may terminate any pension.		

PENSION SYSTEMS FOR FIREMEN IN NEW YORK STATE CITIES — (*Concluded*)

NAME OF CITY	DEATH BENEFITS		Benefits at resignation or dismissal	Miscellaneous
	If member dies from ordinary causes	If member dies as result of performance of duty		
Watertown.....	Same as for member who died as result of performance of duty provided he had served for ten years or was retired on pension.	To widow not exceeding \$25. per month unless she remarries or dies. If there be no widow or she dies, children under sixteen years of age receive same amount. If there be both widow and children, each child may be allowed \$5. per month. Total to widow and children can't exceed \$30. per month. Trustees may cancel pension at any time. If there be no widow or children, then pension goes to dependent parents. Trustees not obligated to grant such pensions.		
White Plains.....	Widow of retired member who has served twenty years receives \$300. per year. If there be no widow, amount goes to minor children. Pension to widow terminates when she remarries.	To widow, any child under sixteen years of age such sum as trustees fix. Pension to widow terminates when she remarries.		Council may revoke any pension except to member who has served twenty years.
Yonkers.....	Same as if member dies as result of performance of duty provided he has served twenty years or is retired on pension.	To widow until she dies or remarries, not less than \$300. a year. If there be children under sixteen, amount is divided among widow and children. If there be no widow or she dies, minor children receive benefit. These pensions may be modified, revoked or reduced.		Pensioners select 1 member and department 2 members for auditing committee. Linemen are members of department and may be pensioned,

APPENDIX V

DIGEST OF MUNICIPAL RETIREMENT PLANS IN NEW YORK STATE COVERING POLICEMEN

(Compiled by New York State Bureau of Municipal Information)

PENSION SYSTEMS FOR POLICEMEN IN NEW YORK STATE CITIES

NOTE: — Contents of destroyed slot machines go to police pension fund of city.

NAME OF CITY	Administrative board	INCOME	
		Employees' contributions	City's direct contribution
Albany.....	Mayor, comptroller and commissioner of public safety.	Fines, forfeitures, and deductions; one dollar from each month's salary.	Sum to meet deficiency.
Amsterdam.....	Mayor, treasurer, commissioner of public safety and three members of department.	Fines, penalties and forfeitures; one dollar per month deducted from salary.	.....
Auburn.....	Mayor, comptroller, commissioner of police, city treasurer and one member of police force elected.	Forfeitures and fines; not exceeding 2 per cent of monthly pay.	One thousand dollars annually.
Binghamton.....	Mayor, treasurer, commissioner of public safety and three members.	Two per cent of salaries.....	Seven thousand five hundred dollars annually.
Buffalo.....	City council.....	Fines, forfeitures and deductions; not exceeding 4 per cent of salaries except janitress of headquarters who pays only same sum as is deducted from maximum salary received by any other janitress; members of fire department who become members of police department pay an additional 4 per cent of their salary for such period of time as they serve as members of fire department. No person required to pay as deduction from his salary greater amount than 4 per cent per annum of \$2,000. No soldier, sailor, or marine in civil war required to pay more than 2 per cent of salary.	Sum equal to 4 per cent of salaries paid previous year excluding therefrom such part of any salary as exceeds \$2,000.
Cohoes.....	Mayor, commissioner of public safety, treasurer and two members.	Fines; one dollar per month.....	Such sum as council and board of estimate may determine.
Elmira.....	Mayor, police commissioners; city chamberlain is treasurer.	Fines; per cent of salaries determined from time to time by police board.	Not exceeding \$2,000 annually.
Fulton.....	Mayor, fire and police commissioners, and chamberlain. City clerk is clerk.	Fines; one dollar per month.....	Not less than \$400 annually.
Geneva.....	Board of police commissioners. City treasurer is treasurer.	Fines, forfeitures and deductions; not exceeding 2 per cent of salary.	.....
Jamestown.....	Mayor, president of council, chairman of finance committee of council, city treasurer and auditor.	Two per cent of salaries.....	Not exceeding \$2,000 annually.
Kingston.....	Board of police commissioners. City treasurer is treasurer.	Fines and 2 per cent of salaries.....	Such amount as will maintain fund at \$5,000.
Lockport.....	Mayor, city treasurer and president of police board.	Fines and not exceeding 2 per cent of salary.	.....
Middletown.....	Mayor, president of council, city clerk, recorder, chairman of police committee of council, commissioner of public safety and clerk to council.	Two per cent of salaries; fines.....	.....
Mount Vernon....	Police commissioner and two members, one appointed by the council and one chosen from executive officers of force by members. Police commissioner is treasurer.	Fines; sum equal to one-half compensation of any member in any month for lost time; not to exceed 2 per cent of salary.	.....
Newburgh.....	City treasurer, recorder and city manager.	Fines; 2 per cent of salary.....	.....
New Rochelle....	Mayor, police commissioners and chief or captain of police.	Fines, forfeitures and deductions; 2 per cent of salary.	.....
New York City....	Police commissioner.....	Forfeitures and deductions; 2 per cent of salaries.	Deficiency covered by annual appropriation.

NOTE.— For continuation of this table, see page 3973.

PENSION SYSTEMS FOR POLICEMEN IN NEW YORK STATE CITIES — (Cont'd)

NAME OF CITY	Administrative board	INCOME	
		Employees' contributions	City's direct contribution
Niagara Falls.....	Mayor, councilmen, city treasurer and superintendent of police.	Fines, penalties and forfeitures.....	.....
North Tonawanda.....	Mayor, chief of police and board of police commissioners. City treasurer is treasurer.	Fines, penalties and forfeitures.....	Not to exceed \$500 annually.
Oswego (Fire and Police).....	Fire and police commissioners, mayor and chamberlain.	Fines, forfeitures and deductions; one dollar per month.	.....
Poughkeepsie.....	Mayor, police commissioners and city treasurer.	Fines; 2 per cent of salary.....	.....
Rochester.....	Commissioner of public safety, comptroller and treasurer are fiscal officers.	Fines, forfeitures and deductions; not less than 2 per cent of salary.	Three thousand dollars annually.
Rome.....	Mayor, city treasurer and chief of police.	Fines; 2 per cent of salaries.....	.....
Saratoga (Police & Fire).....	Mayor and other members of city commission.	Fines; 2 per cent of salary.....	Sum sufficient to make up any deficiency in emergency fund of \$3,000.
Schenectady.....	Mayor, comptroller, commissioner of public safety and two members of department elected.	Fines, forfeitures and deductions; 1½ per cent of salaries.	Three per cent of payroll of police department.
Syracuse.....	Mayor, controller and commissioner of public safety.	Fines, penalties and forfeitures; two per cent of salary.	Annual deficit.
Troy.....	Mayor, commissioner of public safety and city treasurer.	Fines, forfeitures and deductions; one dollar a month.	.....
Utica.....	Mayor, treasurer, commissioner of public safety and three members of department to be elected.	Fines, penalties and forfeitures; one dollar a month.	.....
Watertown.....	Board of Public safety.....	Fines and penalties.....	.....
White Plains.....	Common council.....	Fines; sum equal to one day's pay per month or any fractional part of day for each member having lost time; 2 per cent of salary.	.....
Yonkers.....	Mayor, comptroller, commissioner of public safety.	Fines, deductions and forfeitures; 2 per cent of salaries.	One and one-half times amount deducted from monthly pay.

NOTE.—For continuation of this table, see page 3973.

PENSION SYSTEMS FOR POLICEMEN IN NEW YORK STATE CITIES — (Cont'd)

Note:— Contents of destroyed slot machines go to police pension fund of city.

NAME OF CITY	INCOME (Continued)		YEARS OF SERVICE BEFORE ALLOWANCE BEGINS	
	City's indirect contribution	Other sources	With disability	Without disability
Albany.....	Moneys paid for special services; lost or stolen money; money from sale of unclaimed property; 5 per cent of excise tax.	Rewards, fees, gifts, testimonials and emoluments; earnings.	Commission may dismiss at any time any member incapacitated in performance of duty; may dismiss any member after ten years' service who is unfit for duty and may release any member who has served twenty years and is unfit for duty.	Twenty-five years of service and fifty years of age.
Amsterdam.....	Lost or stolen money and money from sale of unclaimed property; money for licenses for carrying firearms; dog tax; money from licenses for junk dealers, hucksters, peddlers, pawn brokers, and places of amusement, less expenses for collecting and enforcing collection; council may authorize payment of penalties for violation of any ordinances.	Rewards, fees, gifts, emoluments; earnings of fund.	Member may be retired at any time for disability after examination; must remain under orders and may be returned to duty unless he has served twenty years. Member permanently incapacitated may upon application be retired by majority vote after examination.	Twenty years of service and fifty-five years of age.
Auburn.....	Lost and stolen property and moneys arising from the sale of such. Fees for licenses for junk dealers and pawn brokers.	Rewards, fees, gifts, testimonials, emoluments; earnings of fund.	Board may retire at any time member permanently disabled while in or on account of actual performance of duty; board may retire member after fifteen years, and after twenty-five years of service, if member is superannuated by age or mentally or physically incapacitated.	Twenty-five years of service and unfit for duty.
Binghamton.....	Unclaimed or stolen money or property or proceeds thereof.	Bequests and earnings of fund.	Commission may retire any member during disability, but he remains under orders of commissioner unless he has served twenty years; commissioner may retire after examination any member who makes application and is permanently disqualified.	Twenty years of continuous service.
Buffalo.....	Money from sale of unclaimed goods and condemned property of department except horses, not exceeding \$250 in value for any one article.	Rewards, gifts, fees; emoluments; earnings of funds.	Council may retire at any time any member for disability.	Twenty-five years of service.
Cohoes.....	Money paid for special services; lost or stolen money; 5 per cent of excise tax.	Rewards, gifts, fees, testimonials, emoluments; earnings of fund.	Commissioner, on approval of board may retire any member incapacitated at any time also any member who becomes incapacitated after twenty years of service.	.....
Elmira.....	Fines received by recorder; 5 per cent of excise tax.	Rewards; earnings of fund.	Board may retire at any time any member who is incapacitated.	No time specified.
Fulton.....	Money from sale of unclaimed articles and condemned property of department, except horses, not exceeding \$250 in value of any one article; fees paid for and fines for carrying fire arms; dog tax.	Gifts and rewards; earnings of fund.	Board may retire any member at any time or upon his application if he is incapacitated.	Twenty years of service and sixty years of age.

NOTE.— For continuation of this table, see page 3977.

PENSION SYSTEMS FOR POLICEMEN IN NEW YORK STATE CITIES — (Cont'd)

NAME OF CITY	INCOME (Continued)		YEARS OF SERVICE BEFORE ALLOWANCE BEGINS	
	City's indirect contribution	Other sources	With disability	Without disability
Geneva.....	Money from sale of unclaimed articles and condemned property of department not exceeding \$250 for any one article; dog tax and fines for violation of dog law one-half fees of city court received in civil actions; all fees received from county for transportation and care of prisoners in felony cases; 1 per cent of excise tax.	Rewards and gifts; earnings of fund.	After twenty years of service.	
Jamestown.....	Money for special services; lost or stolen money or property; dog tax.	Rewards, fees, gifts, testimonials, and emoluments; donations and bequests; earnings of fund.	Board may retire at any time any member temporarily or permanently incapacitated.	Sixty-five years of age or twenty-five years of service and fifty-five years of age.
Kingston.....	Lost or stolen money and money received from unclaimed property; dog tax and a license fees.	One-half of rewards, donations; legacies and gifts; earnings of fund.	Board may retire at any time any member permanently disabled or after twenty years of service if member becomes superannuated or mentally incapacitated.	Sixty years of age and unfit for service.
Lockport.....	Money paid for special services, lost or stolen money, and money from sales of unclaimed property; dog tax.	Donations, gifts, legacies, rewards, fees, testimonials; earnings of fund.	No time specified.....	No time specified
Middletown.....	Lost or stolen money and money from sale of unclaimed articles; one-half of all fines imposed by recorder; 85 per cent of dog tax; one-half of fees for all licenses.	Donations, legacies, gifts and one-half of rewards, testimonials and gratuities; earnings of fund.	Member may be retired at any time for disability.	Twenty-five years of service and sixty-five years of age.
Mt. Vernon.....	Lost or stolen money or moneys from sale of unclaimed articles; 5 per cent of excise tax; one-fourth of all fines for violation of ordinances; one-fourth dog tax.	Rewards, fees, gifts, testimonials and emoluments; earnings of fund.	Member may be retired at any time for temporary or permanent disability.	Twenty-five years of service of member at time act took effect and twenty-five years of service and fifty-five years of age for person who became member after act took effect.
Newburgh.....	Lost or stolen money and money from sale of unclaimed property; one-half dog tax; 6 per cent of excise tax.	Fees, gifts, rewards, testimonials and emoluments.	Board may retire at any time any member permanently disabled; may retire after twenty years for disability.	Not specified.....
New Rochelle.....	Lost or stolen property and money from sale of unclaimed property; five per cent of excise money; twenty-five per cent of fines for violation of ordinances and twenty-five per cent of dog tax.	Fees, gifts testimonials, emoluments and one-half of rewards.	Police commission may by two-thirds vote retire at any time a member permanently incapacitated. He may be restored to duty if he recovers; no member eligible until he has served five years.	
New York City....	\$430,000 excise money per annum; unexpended balances of salary appropriation; pistol permits; boiler inspection certificates, mask ball permits; violation of coal law and identification card fees, condemned departmental and unclaimed property and cash; fines for violation of Agricultural Law.	Rewards, gifts, fees, testimonials and emoluments; bequests; earnings of fund.	After 10 and less than twenty years' service; after twenty years' service.	Fifty-five years of age, and twenty years service; twenty-five years' service; sixty years of age, or twenty years' of service a discharged soldier or sailor of the Civil War; 60 years of age.
Niagara Falls.....	Money from sale of condemned property of department and unclaimed property; fees for permits to carry weapons; dog tax; fines for violation of dog law.	Ten per cent of all awards, gifts, emoluments; earnings of fund.	No time specified.....	

NOTE.—For continuation of this table, see page 3977.

PENSION SYSTEMS FOR POLICEMEN IN NEW YORK STATE CITIES — (Cont'd)

NAME OF CITY	INCOME (Continued)		YEARS OF SERVICE BEFORE ALLOWANCE BEGINS	
	City's indirect contribution	Other sources	With disability	Without disability
North Tonawanda..	Money from sale of condemned property of department and unclaimed property; fees for permits to carry weapons; dog tax.	Ten per cent of rewards, gifts and emoluments; earnings.	May retire at any time any member who is incapacitated.	.....
Oswego (Fire and Police.)	Lost or stolen property; ten per cent of excise money; money for special services.	Rewards, fees, gifts testimonials and emoluments; earnings of fund.	May retire at any time any member incapacitated or upon certificate of surgeon provided member has served for twenty years.	Sixty-five years of age.
Poughkeepsie..	Twenty-five per cent of penalties collected by city court and money paid to chamberlain for criminal business done by court and made charge upon county; twenty-five per cent of fees for serving warrants.	One-half of all rewards; bequests, donations and gifts.	At any time if member becomes incapacitated as result of performance of duty.	Twenty years of service and superannuated.
Rochester.....	Lost or stolen money and money from sale of unclaimed property; forfeited bail; fines for carrying weapons and violation of ordinances relating to peace and good order and for non-registration of dogs; money for certain licenses; one and one-half per cent of excise tax; money paid for special services.	Fees, gifts and rewards; earnings of fund.	May be retired at any time if member is permanently incapacitated.	Not less than fifteen nor more than twenty years service and is superannuated or mentally incapacitated; after twenty years service.
Rome.....	Lost or stolen money and money from sale of unclaimed property; one-half of fines for carrying concealed weapons; dog license money; five per cent excise tax; two per cent police earnings received from county. Expense of collecting and enforcing collection of above deducted by city.	Donations, legacies, gifts; one-half of rewards, emoluments and gifts for service; all money for special service earnings of fund.	May be retired at any time for disability received in actual performance of duty; may be retired after twenty years if superannuated or mentally or physically incapacitated.	.....
Saratoga (Police and Fire.)	Lost or stolen property; ten per cent of dog tax. Money paid for special services.	Rewards, fees, gifts, testimonials, emoluments; donations, legacies; earnings of fund.	May retire member at any time for disability; must release any member unfit for service who has served twenty years.	Sixty-five years of age.
Schenectady.....	Lost or stolen property and money from sale of unclaimed property; money for special services.	Rewards, fees, gifts, testimonials, earnings of fund.	May be retired at any time..	Twenty years service and unfit for duty.
Syracuse.....	Lost or stolen money and money from sale of unclaimed property; such proportion of license money as board of estimate may determine; fees for perfecting or accepting bail bonds.	Fees, gifts, rewards, emoluments; earnings of fund.	May retire at any time any member incapacitated who must remain under orders of trustee unless he has served twenty years or is veteran of civil war; may be retired on own application if permanently incapacitated.	Twenty years of service; if sixty-five years of age and has served twenty years member is deemed to be permanently incapacitated.
Troy.....	Lost or stolen money and money from sale of unclaimed property; two per cent of excise tax; money for special services.	Rewards, fees, gifts, testimonials; earnings of fund.	May be retired at any time if incapacitated.	Twenty years and unfit for duty.

NOTE.—For continuation of this table, see page 3977.

PENSION SYSTEMS FOR POLICEMEN IN NEW YORK STATE CITIES — (Concl'd)

NAME OF CITY	INCOME (Continued)		YEARS OF SERVICE BEFORE ALLOWANCE BEGINS	
	City's indirect contribution	Other sources	With disability	Without disability
Utica.....	Money from sale unclaimed property; lost and stolen money; fees for perfecting bail bonds; dog tax; fees for violation of ordinances as council directs.	Compensation fees, rewards, emoluments; earnings of fund.	May be retired at any time if incapacitated but unless member has served for twenty years he remains under orders.	Twenty years.
Watertown.....	Lost or stolen money and money from sale of unclaimed articles.	Reward, fees, gifts, emoluments; money from entertainments; earnings of fund.	Board may retire at any time or upon application any member permanently incapacitated.	No time specified.
White Plains.....	Lost or stolen property and money from sale of unclaimed property; twenty-five per cent of all license money; fees for testing combustible material; five per cent of excise tax.	Rewards, fees, gifts, emoluments; earnings of fund.	May retire at any time for incapacity received in performance of duty.	Twenty years and unfit for service.
Yonkers.....	Lost or stolen property and money from sale of unclaimed property; fees for testing combustibles.	Rewards, gifts, fees, emoluments; earnings of fund.	Any member unfit for duty may be retired at any time.	Sixty years of age and twenty-five years of service.

NOTE.—For continuation of this table, see page 3977.

PENSION SYSTEMS FOR POLICEMEN IN NEW YORK STATE CITIES — (Cont'd)

NOTE — Contents of destroyed slot machines go to police pension fund of city

NAME OF CITY	AMOUNT OF RETIREMENT ALLOWANCE		
	Without disability	WITH DISABILITY	
		Not in performance of duty	In performance of duty
Albany	One-half annual salary at time of retirement.	After ten years' service, one-half annual salary, not less than \$500; after twenty years of service, one-half annual salary, not less than \$550.	One-half annual salary, not less than \$500.
Amsterdam	Four hundred and eighty dollars per year or less, if condition of fund warrants.	Four hundred and eighty dollars per year or less, if condition of fund warrants.	Four hundred and eighty dollars per year or less, if condition of fund warrants.
Auburn	Not exceeding one-half annual salary at time of retirement.	Not exceeding one-half salary at time of retirement.	Not exceeding \$300 per year.
Binghamton	One-half annual salary at time of retirement or less if condition of fund warrants.	One-half annual salary at time of retirement or less, if condition of fund warrants.	One-half annual salary at time of retirement or less if condition of fund warrants.
Buffalo	To member or rank higher than sergeant or lieutenant, \$700 a year for twenty-five years' service, and increased twenty dollars a year for each year of service in excess of twenty-five years. Not exceeding \$800 a year to member equal to or below rank of sergeant or lieutenant or to employees specified under miscellaneous, or to any janitress \$600 a year, except janitresses who receive \$300 a year each.	Police matron totally disabled not less than one-fourth or more than one-half annual compensation, except that janitress at headquarters shall receive not less than \$150 or more than \$300 yearly; to members permanently incapacitated, \$24 for each year of service not exceeding \$600.	Not less than one-fourth salary at time of retirement, not exceeding \$600 annually.
Cohoes		After twenty years' service, one-half annual salary at time of retirement, not less than \$500; or less, if condition of fund warrants.	After twenty years' service, one-half annual salary at time of retirement, not less than \$500; or less, if condition of fund warrants.
Elmira	Two per cent of annual salary multiplied by number of years in service, not to exceed one-half salary or \$50 per month.	Two per cent of annual salary multiplied by number of years in service, not to exceed one-half salary or \$50 per month.	One-half salary at time of retirement, cannot exceed \$50 per month.
Fulton	Fifty dollars per month	Twenty-four dollars for every year of service, not exceeding \$600 per year.	For total disability, \$600 annually; for partial disability, not less than 25 per cent of salaries.
Geneva		Not less than one-fourth or more than one-half annual salary at time of retirement, provided member had served twenty years or had been retired.	Not less than one-fourth or more than one-half annual salary at time of retirement.
Jamestown	Not exceeding \$500 annually		For permanent disability \$500 annually; for temporary disability, one-half salary.
Kingston	One-half annual salary at time of retirement.	One-half annual salary at time of retirement.	One-half annual salary at time of retirement.
Lockport	One-half annual salary at time of retirement or less, if condition of fund warrants.	One-half annual salary at time of retirement or less, if condition of fund warrants.	One-half annual salary at time of retirement or less, if condition of fund warrants.

NOTE.— For continuation of this table, see page 3980.

PENSION SYSTEMS FOR POLICEMEN IN NEW YORK STATE CITIES — (Cont'd)

NAME OF CITY	AMOUNT OF RETIREMENT ALLOWANCE		
	Without disability	WITH DISABILITY	
		Not in performance of duty	In performance of duty
Middletown.....	One-half salary at time of retirement or less, if condition of fund warrants.	.....	One-half salary at time of retirement or less, if condition of fund warrants.
Mount Vernon.....	One-half annual salary at time of retirement.	One-half annual salary at time of retirement.	One-half annual salary at time of retirement.
Newburgh.....	One-half annual salary at time of retirement.	One-half annual salary at time of retirement.	If permanently disabled not less than one-half annual salary at time of retirement; if retired after twenty years' service, one-half salary at time of retirement.
New Rochelle.....	.....	One-half annual salary at time of retirement, which may be reduced, if condition of fund warrants. Should income be insufficient to pay in full pensions authorized, all future receipts must be applied toward payment of said pensions until same are fully paid and satisfied.	One-half annual salary at time of retirement, which may be reduced, if condition of fund warrants. Should income be insufficient to pay in full pensions authorized, all future receipts must be applied toward payment of said pensions until same are fully paid and satisfied.
New York City.....	Not less than one-half annual salary at time of retirement.	Not more than one-half or less than one-quarter salary, provided he served ten years and less than twenty-five years and is superannuated or disabled physically or mentally; if member has served twenty years and is permanently disabled, not less than one-half annual salary at time of retirement. To the chief of police, \$3,000; to deputy chief of police, \$2,500; to inspector \$1,750; to captain, \$1,375; to sergeant and detective sergeant, \$1,000 per annum. To each captain relieved from force who at time when relieved was receiving annual salary of \$2,750, \$1,375 per annum.	Not more than one-half nor less than one-quarter rate of compensation per annum.
Niagara Falls.....	.....	One-half annual salary at time or less, if condition of fund warrants.	One-half annual salary at time of retirement or less, if condition of fund warrants.
North Tonawanda.....	.....	One-half annual salary at time of retirement or less, if condition of fund warrants.	One-half annual salary at time of retirement or less, if condition of fund warrants.
Oswego (Fire and Police.)	Not exceeding one-half annual salary.	.....	Not exceeding one-half annual salary.
Poughkeepsie.....	One-half annual salary.....	.....	One-half annual salary.
Rochester.....	Not less than \$250 or more than \$500 annually for member retired after fifteen years or before twenty years' service; not less than one-half salary at time of retirement after twenty years service; may be reduced, if conditions of fund warrants.	.....	Not less than one-half annual salary at time of retirement; may be reduced, if condition of fund warrants.
Rome.....	.....	One-half annual salary or less, if condition of fund warrants.	One-half annual salary or less, if condition of fund warrants.
Saratoga (Police and Fire)	One-half annual salary.....	.....	One-half annual salary.
Schenectady.....	Nor less than one-half annual salary.	.....	One-half annual salary.
Syracuse.....	One-half annual salary at time of retirement or less, if condition of fund warrants.	One-half annual salary at time of retirement or less, if condition of fund warrants.	One-half annual salary at time of retirement or less, if condition of fund warrants.

NOTE.— For continuation of this table, see page 3980.

PENSION SYSTEMS FOR POLICEMEN IN NEW YORK STATE CITIES — (*Concl'd*)

NAME OF CITY	AMOUNT OF RETIREMENT ALLOWANCE		
	Without disability	WITH DISABILITY	
		Not in performance of duty	In performance of duty
Troy.....	Not less than one-half annual salary received from time to time by active members for performance of same or similar duties as were performed by such pensioner, not to exceed \$600 or less than \$450.	.....	One-half annual salary received from time to time by active member for performance of same or similar duties as were performed by such pensioner, not to exceed \$600 or less than \$450.
Utica.....	Four hundred eighty dollars a year or less, if condition of fund warrants.	Four hundred eighty dollars a year or less, if condition of fund warrants.	Four hundred eighty dollars a year or less, if condition of fund warrants.
Watertown.....	One-half annual salary at time of retirement or less, if condition of fund warrants.	One-half annual salary at time of retirement or less, if condition of fund warrants.	One-half annual salary at time of retirement or less, if condition of fund warrants.
White Plains.....	Nor exceeding one-half or less than one-quarter annual salary of a member of the rank of the member retired.	.....	Sum fixed by board.
Yonkers.....	One-half annual salary at time of retirement.	One-half annual salary at time of retirement.	One-half annual salary at time of retirement.

NOTE.—For continuation of this table, see page 3980.

PENSION SYSTEMS FOR POLICEMEN IN NEW YORK STATE CITIES — (Cont'd)

NAME OF CITY	DEATH BENEFITS			
	If member dies from ordinary causes	If member dies as result of performance of duty	Benefits at resignation or dismissal	Miscellaneous
Albany.....		To widow, \$500; if there be no widow, amount is divided among children under eighteen years of age.		Board may revoke any pension except to member having served twenty years or more.
Amsterdam.....	Same as if member died as result of performance of duty, provided he has served for ten years.	To widow, not exceeding \$300 per year. If there are children under eighteen years of age, Amount may be divided. If there be no widow or if widow dies, amount is divided among minor children. If there be no minor children or widow, amount goes to dependent parents. Widow's pension terminates if she remarries. Board may revoke or diminish pensions.		No pension payable until fund reaches \$5,000. Board not obligated to grant or pay any pension. City and trustees not liable for payment of any pensions beyond amount received.
Auburn.....	Same as if member died as result of performance of duty, provided he had served some years or had been retired on a pension.	To widow, not exceeding \$300 per annum. If there be children under age of sixteen, sum may be divided. If there be no widow, amount is divided among children. Pension to widow terminates when she remarries and to children when they marry.		Any pension granted by discretion of board may be decreased, modified or revoked.
Binghamton.....	Same as if member died in performance of duty, provided he served for one year.	To widow, not exceeding \$300 yearly. If there be children under eighteen, amount may be divided. If there be no widow or if she dies, amount goes to minor children. If there be no widow or minor children, amount goes to dependent father or mother, if she be a widow. Pension ceases if widow remarries. Nothing obligatory as to granting such pensions. No pension paid until fund reaches \$15,000.	If first grade member or member who has served five years retires by resignation or otherwise, he receives \$300.	Decision of trustees as to what is for best interests of minor children may be reviewed by the surrogate.
Buffalo.....		To widow of member or employee of department known as engineer at headquarters, lineman, employees in electrical bureau, clerk to chief stenographer to clerk to chief and superintendent of electrical bureau, not less than \$300 per year, unless she remarries. If there be no widow or she dies, children under eighteen years receive amount. If there be no widow or children, amount goes to dependent parents so long as they remain dependent.		Pension ceases if member becomes municipal or State employee except that he may serve on temporary duty for Buffalo in case of emergency. He is then compensated therefor. Any employee of department known as engineer at headquarters, lineman, employee in electrical bureau, clerk to chief, stenographer to clerk to chief and superintendent of electrical bureau is entitled to pension.
Cohoes.....		To widow, \$500. If there be no widow, sum is equally divided among children under eighteen years of age.	If dismissed, member not entitled to any pension and forfeits contributions.	Granting or payment of pensions not obligatory.
Elmira.....	Board may continue pension to widow or children or dependent parent.	To widow, or children under sixteen, if there be no widow, one-half salary of member or pension he received if retired. If there be no children or widow, pension goes to dependent parents. Pension to widow ceases, if she remarries, and to children, if they marry or die.		

PENSION SYSTEMS FOR POLICEMEN IN NEW YORK STATE CITIES — (Cont'd)

NAME OF CITY	DEATH BENEFITS			
	If member dies from ordinary causes	If member dies as result of performance of duty	Benefits at resignation or dismissal	Miscellaneous
Fulton.....	Same as if member died as result of performance of duty.	To widow and children under sixteen years, \$300 a year. Pension ceases if widow remarries. If there be no widow or children, amount goes to dependent parents.		Retired members may be required to do temporary duty and in cases of emergency.
Geneva.....		To widow, not less than \$120 or more than \$240 a year unless she remarries. If there be no widow or if she dies, children divided equally to children under eighteen years of age.		Retired members may be required to do temporary duty or in case of emergency.
Jamestown.....	Same as if member died as result of performance of duty provided he has served ten years or was retired on pension.	To widow, not exceeding \$300 a year. If there be children under sixteen years, amount is divided. If there be no widow or she dies, children under sixteen receive pension. If there be no widow or minor children, amount goes to dependent mother.		Board may reduce or revoke any pension.
Kingston.....		To widow, \$500; Amount goes to children under twenty-one, if there be no widow. Amount goes to dependent mother, if there be no widow or minor children. There is paid the following additional amounts: To widow 30 per cent of salary of deceased member. If there be children under eighteen years of age, 10 per cent additional. If widow dies, any child under eighteen years of age receives 15 per cent of salary. The total cannot exceed 70 per cent of the salary. If there be no widow or children or the aggregate is less than 70 per cent of salary, dependent parents receive 25 per cent of salary, but the amount cannot exceed the difference, 70 per cent, and the amount received by widow and children.	If dismissed, he forfeits right to pension and all money contributed.	When fund amounts to \$5,000, council may order that any money payable into the fund be diverted and paid into any other city fund.
Lockport.....		To widow, not exceeding \$300; amount goes to children under sixteen years of age, if there be no widow.	Forfeits all rights and contributions, if dismissed.	Board may revoke any pension except in case a policeman has served twenty years and then if condition of fund warrants. Trustees not liable for any pension.
Middletown.....	Same as if member dies as result of performance of duty provided he had served twenty-five years or had been retired on a pension.	To widow, one-half salary of member. If there be children under sixteen years of age, amount divided. Minor children receive pension if there be no widow or if she dies. Amount goes to dependent mother, if there be no widow or minor children. Pension to widow ceases if she remarries.	If dismissed, he forfeits rights to pension and money paid in.	Trustees not liable for payment beyond amount received by them.

PENSION SYSTEMS FOR POLICEMEN IN NEW YORK STATE CITIES — (Cont'd)

NAME OF CITY	DEATH BENEFITS			
	If member dies from ordinary causes	If member dies as result of performance of duty	Benefits at resignation or dismissal	Miscellaneous
Mount Vernon.....	If member dies after five years of service or retirement on pension, widow receives not exceeding \$300 per year. If there be children under sixteen years, sum may be divided. If there be no widow or she dies, sum goes to minor children. If there be no widow or children, dependent mother receives amount. Pension to widow ceases if she remarries.	To widow or other dependent, if member who was killed or died from injuries in actual discharge of duty prior to expiration of five years from establishment of fund, \$500. Pension to widow ceases, if she remarries.		No pension paid until fund is established five years and no member eligible to pension unless he has served five years.
Newburgh.....		To widow, \$500. Amount goes to children under twenty-one, if there be no widow. Amount goes to dependent mother, if there be no widow or minor children.	If dismissed he forfeits all right to pension and money paid into fund.	City and trustees not liable.
New Rochelle.....	To widow of member who dies after five years of service or was retired, not exceeding \$300 a year. If there be children under sixteen years, sum may be divided. If there be no widow or she dies, amount goes to minor children. If there be no widow or minor children, amount goes to dependent mother. Pension to widow terminates if she remarries.	To widow, \$500, if member died prior to expiration of five years from establishment of fund.		City not liable for expenditure of money beyond income of fund. No pension paid until fund is established for five years.
New York City.....	To widow of member who had served for ten years or had retired on pension, not exceeding \$300 per year. If there be any children under eighteen years, the amount is divided. Pension to widow terminates when she remarries and to children when they marry.	To dependent parents or widow, not more than \$600 a year. If there be no widow or she dies, children under eighteen years get amount. Pension ceases to widow if she remarries and children when they marry.		Auditing committee consists of three members appointed by mayor, two from force and one from retired members.
Niagara Falls.....	Same as if member dies as result of performance of duty.	To widow, unless she remarries, twenty-five dollars a month. To each child under sixteen, five dollars per month. If widow dies or remarries her pension goes to minor children. Total to widow and children cannot exceed one-half salary of member. If there be no widow or minor children, dependent parents receive twenty-five dollars per month.		
North Tonawanda..	Same as if member died as result of performance of duty.	Same as for Niagara Falls.....		
Oswego (Fire and Police)	Same as if member died as result of performance of duty.	To widow, \$250. If there be no widow, amount is divided among children under eighteen, or paid in whole or in part to dependent relative or relatives.		May revoke any pension except in case of fireman who has been retired for age or after twenty years' service.

PENSION SYSTEMS FOR POLICEMEN IN NEW YORK STATE CITIES — (Cont'd)

NAME OF CITY	DEATH BENEFITS			
	If member dies from ordinary causes	If member dies as result of performance of duty	Benefits at resignation or dismissal	Miscellaneous
Poughkeepsie.....	Same as if member died as result of performance of duty, provided he had served twenty years or was retired on pension.	To widow, one-half salary of member. If there be children under sixteen, amount may be divided. If there be no widow or she dies, amount goes to children. If there be no widow or minor children, amount goes to dependent mother. Pension to widow ceases if she remarries.		
Rochester.....	Same as if member died as result of performance of duty, provided he had served twenty years. If member dies after fifteen years of service or after having been retired after fifteen years' service, widow receives not exceeding \$250 a year.	To widow, not exceeding one-half salary and not exceeding \$500 annually. If there be children under eighteen, amount may be divided. If there be no widow, or she dies, amount goes to minor children. If there be no widow or minor children, amount may go to dependent parents or survivor of them. If there be no widow, minor children or dependent parent, amount may go to dependent brothers and sisters under sixteen. Pension to widow terminates when she remarries.		Any pension may be revoked except in case of member who has served twenty years or has been retired for injury received in actual performance of duty. An auditing committee consists of three members elected by department.
Rome.....	Same as if member died as result of performance of duty, provided he had served twenty years or had been retired.	To widow, one-half annual salary. If there be children under 16, amount may be divided. If there be no widow or she dies, or remarries, amount goes to children. If there be no widow or children, amount goes to dependent mother.		Trustees not liable.
Saratoga (Police and Fire).....		To widow, \$250. If there be no widow, sum divided among children under 16 years or may be paid in whole or in part to dependent relative or relatives.		May revoke or modify pension, except when member has served twenty years or 65 years of age. Any surplus after payment of all pensions may be used for any purpose and transferred to any fund by council.
Schenectady.....		To widow, \$500. If there be no widow, or she was not living with member at time of his death, amount goes to children under 21 years. If there be no widow or minor children, amount goes to dependent mother or sister or otherwise lapses.		May modify or revoke any pension, except in case member has served twenty years.
Syracuse.....	Same as if member died as result of performance of duty, provided he served for ten years or had been retired after twenty years of service.	To widow, not exceeding \$300 annually. If there be children under 18 years, amount may be divided. If there be no widow or she remarries, amount goes to children. Pension to widow ceases when she remarries.		Pension may be revoked, except in case member has served for twenty years.
Troy.....		To widow, \$500. If there be no widow, children under 16 years receive amount.		May revoke or modify any pension, except in case member served for twenty years.

PENSION SYSTEMS FOR POLICEMEN IN NEW YORK STATE CITIES — (Cont'd)

NAME OF CITY	DEATH BENEFITS			
	If member dies from ordinary causes	If member dies as a result of performance of duty	Benefits at resignation or dismissal	Miscellaneous
Utica.....	Same as if member had died as result of performance of duty, provided he had served for ten years.	To widow, not exceeding \$300 a year. If there be children under 18 years of age, amount is divided. If there be no widow or she dies, amount goes to children. If there be no widow or minor children, amount goes to dependent parents. Pension to widow terminates when she remarries. Board may revoke or diminish pension if condition of fund warrants.	Member who has attained rank of first grade or who has served for three years and retires by resignation or otherwise, receives \$300, provided he is not receiving or is not entitled to receive a pension.	.....
Watertown.....	Same as if member had died as result of performance of duty, provided he had served for ten years or was retired on pension.	To widow, not exceeding \$25 a month. If there be no widow or she dies, children under 16 receive amount. If there be both widow and minor children, each minor child may receive \$5 a month. Total to widow and children cannot exceed \$30 a month. If there be no widow or minor children, amount goes to dependent parents.	.....	.....
White Plains.....	To widow of member who dies after having been retired, \$300 a year. Amount goes to minor children, if she dies. Pension to widow ceases, if she remarries.	To widow an amount fixed by board. If there be no widow or she dies, sum to be fixed by board goes to children under 16. Pension to widow ceases, if she remarries.	.....	Pension may be revoked or reduced, except in case of member retired after twenty years. Trustees and city not liable.
Yonkers.....	Same as if member died as result of performance of duty, provided he had served for ten years or had been retired.	To widow, not exceeding \$300 a year. If there be children under 16, amount may be divided. If there be no widow or she dies, amount goes to children. If there be no widow or minor children, amount goes to dependent mother. Pension to widow terminates when she remarries.	.....	Auditing committee consists of two members selected by contributors and one member selected by pensioners.

APPENDIX VI

DIGEST OF MUNICIPAL RETIREMENT PLANS IN NEW YORK STATE COVERING TEACHERS AND EMPLOYEES OF DEPARTMENT OF EDUCATION.

(Compiled by New York State Bureau of Municipal Information)

**MUNICIPAL PENSION SYSTEMS FOR TEACHERS AND OTHER EMPLOYEES IN
DEPARTMENTS OF EDUCATION IN NEW YORK STATE CITIES — (Cont'd)**

NAME OF CITY	FUNDS CONTRIBUTED BY		
	City	Employees	Other sources
Albany.....	Five per cent of excise money annually.	One per cent of annual salary and excess over amount paid to substitute teacher.	Donations, legacies, gifts, bequests and all other funds obtained from other sources or from other lawful means devised by such board of trustees or Albany Teachers' Association.
Buffalo.....	An amount not to exceed amount deducted from salaries of teachers for previous school year.	One per cent of salaries of those receiving less than \$800 annually, and 2 per cent per annum from those receiving \$800 per annum or more.	Donations, legacies, bequests, gifts; all moneys derived from other "methods as may be duly and legally devised."
Cohoes.....	Three per cent of money appropriated for salaries of teachers employed, to be taken from excise or other funds, as common council may direct.	One per cent of salaries, not to exceed \$10 a year; forfeitures, deductions of or from salaries of teachers for absence or excess over amount paid to substitute teacher.	Donations, legacies, and gifts and moneys from other sources devised by or with consent of trustees.
Mt. Vernon.....	Five per cent of excise moneys received by city after deducting rebates and returns.	One per cent of salaries; all forfeitures and deductions.	Donations, legacies and gifts.
New York City.....	Sum sufficient to pay expenses of administration; an amount on account of each new entrant necessary to provide during prospective active service of such new entrant for death benefit and for pension reserve required at time of retirement to pay disability or service pension; \$1,000,000 each year; 5 per cent of all excise or license fees.	For permanent teachers: (1) 1 per cent of earnable salary; (2) such per centum of earnable salary as is sufficient to provide on retirement at 65 years an annuity which when added to pension or retirement allowance of 50 per cent of average salary; (3) per centum of earnable salary greater than 3 per cent thereof. For new entrants: Per centum of earnable salary sufficient with interest to procure a service retirement amount equal to 25 per cent of annual salary; rate of deduction based on mortality and other tables.	Donations, legacies and gifts.
Rochester.....	Sum equal to one-half total sum deducted from salaries of teachers for that year.	Two per cent of annual salary.....	Donations, legacies, gifts, and all moneys obtained from other sources or by other means devised by or with the consent of the trustees.
Syracuse.....	Sum equal to total deduction from salaries paid into fund.	Not to exceed 1 per cent of salaries; forfeitures by and deductions from salaries of teachers on account of absences; excesses over amounts paid to substitute teachers.	Donations, legacies and gifts.

NOTE.— For continuation of this table, see page 3938.

**MUNICIPAL PENSION SYSTEMS FOR TEACHERS AND OTHER EMPLOYEES IN
DEPARTMENT OF EDUCATION IN NEW YORK STATE CITIES — (Cont'd)**

NAME OF CITY	AMOUNTS TO BE PAID IN BEFORE RETIREMENT		YEARS OF SERVICE BEFORE ALLOWANCE BEGINS	
	Without disability	With disability	Without disability	With disability
Albany.....	Thirty per cent of average salary for last five years of teaching service.	Sum equal to as many per centums of average salary for last five years as teacher has taught years.	Thirty years in public schools of Albany.	Twenty years, but less than thirty years, and is either mentally or physically incapacitated.
Buffalo.....	Sum to equal 40 per cent of annual salary at time of retirement, but not to exceed \$1,500.	Sum to equal 40 per cent of annual salary at time of retirement, but not to exceed \$1,500.	Thirty years, provided three-fifths of such service has been rendered in Buffalo department of public instruction; or sixteen, seventeen, eighteen or nineteen years in public schools or a department of public instruction, and three-fifths of such service has been in Buffalo schools or department.	Twenty years, provided three-fifths of such service has been rendered in Buffalo department of public instruction; or fifteen years in public schools or a department of public instruction, at least three-fifths of such service having been rendered in Buffalo schools or department.
Cohoes.....	Sum equal to 20 per cent of annual salary at time of retirement.	Sum equal to 20 per cent of annual salary at time of retirement.	Thirty or forty years, provided that at least fifteen years of such service has been rendered in Cohoes schools.	Twenty years, provided not less than fifteen years of such service has been rendered in Cohoes schools.
Mt. Vernon.....	Thirty per cent of annuities.	Thirty per cent of annuities.	Twenty-five years for a woman and thirty years for a man, provided fifteen years of such service has been rendered in Mt. Vernon schools.	Twenty years, provided ten years of such service has been rendered in Mt. Vernon schools.
New York City..			Upon application at sixty-five years of age or thirty-five years or more of total service in case of present teacher or in case of new-entrant thirty-five years or more of total service, twenty years of which has been in city service; or retirement by board at seventy years.	Upon application of head of department or of contributor after ten years or more of city service and approval by medical board after medical examination. If subsequent medical examination shows any disability pensioner under sixty-five years of age is fit to resume service the pensioner is re-appointed.
Rochester.....	Forty per cent of annual salary at time of retirement.		Twenty years for a woman and twenty-five years for a man, provided not less than fifteen years of such service has been rendered in Rochester schools. If board of education retires or refuses to reappoint contributor, thirty years for a woman and thirty-five years for a man, provided fifteen years of such service has been rendered in Rochester schools, if contributor retires with consent of board of education.	
Syracuse.....	Twenty per cent of annual salary at time of retirement, exclusive of deductions from salary for absence.		Twenty years for a woman and twenty-five years for a man, provided not less than fifteen years of such service has been rendered in Syracuse schools. may be retired by board of education on recommendation of superintendent of schools; may retire voluntarily after thirty years for a woman and thirty-five years for a man, provided fifteen years of such service has been rendered in Syracuse schools.	

NOTE.— For continuation of this table, see page 3989.

MUNICIPAL PENSION SYSTEMS FOR TEACHERS AND OTHER EMPLOYEES IN DEPARTMENTS OF EDUCATION IN NEW YORK STATE CITIES — (Cont'd)

NAME OF CITY	AMOUNT OF RETIREMENT ALLOWANCE		Administrative board
	Without disability	With disability	
Albany.....	Fifty per cent of average salary during last five years of teaching service, not to exceed \$600 annually.	As many thirtieths of full annuity for thirty years as teacher has taught years.	Mayor, president of board of education and comptroller.
Buffalo.....	If retired after thirty years' service, one-half of salary paid at time of retirement; if retired after fifteen years and less than twenty years in case of a woman or after twenty years and less than twenty-five years in case of a man, he or she receives proportion of one-half of salary not exceeding \$800.	If retired after fifteen years' service, fifteen-twentieths of one-half annual salary at time \$800; if retired after twenty of retirement, not exceeding years' service, one-half salary paid at time of retirement.	City council.
Cohoes.....	One-half of annual salary at time of retirement, not exceeding \$500 a year.	One-half annual salary at time of retirement, not exceeding \$500 a year. Any person retired after twenty years of service but less than thirty years receives an annuity which bears same ratio to annuity provided for retirement after thirty years of service as total number of years of such service bears to thirty.	President board of education, mayor, and five teachers of which two are principals.
Mt. Vernon.....	One-half salary at time of retirement, not exceeding \$800 a year.	As many twenty-fifths if a woman and as many thirtieths if a man of full annuity as person has served.	Board of education.
New York City.....	Twenty-five per cent of average salary plus, in the case of a present-teacher a pension computed at rate of one thirty-fifth, of twenty-five per cent of average salary for each year or prior service. The total of such pension not to exceed one-half average salary. An annuity to be the actuarial equivalent of accumulated deductions at time of retirement.	Twenty per cent of average salary and twenty-five per cent after contributor becomes eligible for service retirement. If contributor is a present-teacher, he receives in addition a pension computed at rate of one-thirty-fifth of twenty-five per cent of average salary for each year of prior service, but in no event shall total pension exceed one-half of average salary. An annuity to be the actuarial equivalent of accumulated deductions at time of retirement.	President board of education comptroller, two persons appointed by the mayor one of whom is a member of the board of education and three persons elected from the contributors.
Rochester.....	One-half of annual salary at time of retirement, not exceeding \$800 a year.		Commissioners of schools, superintendent of schools, one principal and one teacher.
Syracuse.....	Not to exceed one-half annual salary at time of retirement, the maximum being \$800 a year.		Board of education and superintendent of schools.

NOTE.— For continuation of this table, see page 3990.

MUNICIPAL PENSION SYSTEMS FOR TEACHERS AND OTHER EMPLOYEES IN
DEPARTMENTS OF EDUCATION IN NEW YORK STATE CITIES — (*Concl'd*)

NAME OF CITY	Death benefits	Benefits at resignation or dismissal	Miscellaneous
Albany.....			If fund is inadequate, distribution is made prorata and such distribution is in full of all annuities then due.
Buffalo.....		If teacher fails of reappointment after having served time to entitle him to benefits, he receives annuity; if dismissed or removed or is not reappointed because of misconduct, he receives, without interest, all moneys paid into fund; if not re-employed before entitled to annuity, he receives all money, without interest which has been deducted from his salary.	When fund is inadequate, council may reduce annuities from time to time.
Cohoes.....		Paid back, without interest, all moneys deducted from salary.	Same provisions as in Albany, if fund is inadequate.
Mt. Vernon.....		Sum equal to deductions made in salary without interest other than forfeitures and deductions.	Same provision as in Albany, if fund is inadequate.
New York City.....	If contributor dies before retirement, there is paid to his estate his accumulated deductions an amount equal to salary earnable by him during six months immediately preceding his death, provided that at time of death he was sixty-five years of age or had a total service of thirty-five years and was eligible for service retirement.	If contributor resigns, he is paid full amount of accumulated deductions standing to his account in annuity fund. If dismissed, he is paid full amount of accumulated deductions standing to his credit in annuity fund plus an amount equal to contributions made by him to retirement fund prior to enactment of law.	At time of retirement contributor may elect to receive benefits in a retirement allowance payable throughout life or he may on retirement elect to receive actuarial equivalent at time of his annuity, his pension or his retirement allowance in a lesser annuity, or a lesser pension or a lesser retirement allowance, payable throughout life under one of four options.
Rochester.....		All moneys less interest deducted from salary for retirement fund.	Same provision as in Albany, if fund is inadequate.
Syracuse.....		Paid back all money deducted from salary from retirement fund.	No person shall forfeit right to become annuitant for having resigned after five years of service, provided he continues in similar work elsewhere and contributes annually to retirement fund.

(No. 14.)

AN ACT allowing and regulating boxing and sparring matches, and establishing a state boxing commission, and making an appropriation therefor.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. State boxing commission established; terms; salaries; offices; organization. The governor shall appoint, and at pleasure remove, three persons, who shall constitute a state boxing commission. They shall hold office until their successors are appointed. Each member of the commission shall receive an annual salary of not to exceed five thousand dollars, and his actual and necessary traveling and other expenses incurred by him in the performance of his official duties. The commission shall maintain in the city of New York general offices for the transaction of its business. The members of the commission shall, at their first meeting after their appointment, elect one of their number chairman of the commission, shall adopt a seal for the commission, and make such rules for the administration of their office, not inconsistent herewith, as they may deem expedient; and they may thereafter amend or abrogate such rules. Two of the members of the commission shall constitute a quorum to do business; and the concurrence of at least two commissioners shall be necessary to render a determination by the commission.

§ 2. Deputies; secretary; salaries and expenses; report to legislature. The commission may appoint and at pleasure remove not to exceed four deputies who shall be paid a per diem compensation of not to exceed twenty-five dollars for each day actually engaged in the discharge of their duties and all necessary expenses for traveling and maintenance during actual engagement. The commission shall direct a deputy to be present at each place where sparring or boxing matches are to be held pursuant to the provisions of this act. Such deputy shall ascertain the exact conditions surrounding such match or contest and make a written report of the same in the manner and form prescribed by the commission. The commission may appoint, and at pleasure remove, a secretary to the commission, whose duty it shall be to keep a full and true record of all its proceedings, preserve at its general office all its

books, documents and papers, prepare for service such notices and other papers as may be required of him by the commission and perform such other duties as the commission may prescribe. The commission may employ such clerical employees as may be actually necessary and fix their salaries within the amount appropriated therefor by the legislature. The secretary of the commission shall receive an annual salary of not to exceed three thousand dollars. The salaries, necessary traveling and other necessary expenses of the members of the commission, and the salary of its deputies and secretary, shall be paid monthly by the state treasurer on the warrant of the state comptroller and the certificate of the chairman of the commission out of the money appropriated to be used therefor. Such matches or contests may be held in any building for which the committee in its discretion may issue a license. Where such match or contest is authorized to be held in state or city owned armory the provisions of the military law in respect thereto must be complied with. But no such match or contest shall be held in a building partly used for dwelling purposes or for religious services; except that a keeper or caretaker and his family may reside in such building. The commission shall annually make to the legislature a full report of its proceedings for the year ending with the first day of the preceding December and may submit, with such report, such recommendations pertaining to its affairs as to which it shall seem desirable.

§ 3. Boxing exhibitions authorized; jurisdiction of commission; permits to corporations. Boxing and sparring matches or exhibitions for prizes or purses, or where an admission fee is received, are hereby allowed except on Sundays. The commission shall have and hereby is vested with the sole direction, management, control and jurisdiction over all such boxing and sparring matches or exhibitions to be conducted, held or given within the state of New York, and no such boxing or sparring match or exhibition shall be conducted, held or given within the state except in accordance with the provisions of this act. The commission shall issue under its hand and seal, annual permits in writing for holding such boxing and sparring matches, but only to corporations thereunto duly licensed, as hereinafter provided, which said permits may be revoked upon violation of any of the provisions hereof, or any rule, regulation or order of the commission.

§ 4. License committee; terms; secretary; salary of secretary. The governor shall appoint and at pleasure remove a license com-

mittee, consisting of three persons, who shall hold office until their successors are appointed. Each member of the committee shall serve without compensation. The committee may appoint, and at pleasure remove, a secretary to the license committee, whose duty it shall be to keep a full and true record of all its proceedings, preserve at its general office all its books, documents and papers, prepare for service such notices and other papers as may be required of him by the committee and generally to perform such other duties as the committee may prescribe. The secretary of the license committee shall receive an annual salary of not to exceed three thousand dollars, which shall be paid in like manner as the salaries and expenses of the commission. Such committee shall appoint such electrical employees as may be actually necessary and fix their salaries within the amount appropriated therefor by the legislature.

§ 5. Offices of committee; organization; rules; quorum. The committee shall maintain a general office in the city of New York, for the transaction of its business. The members of this license committee shall, at their first meeting after their appointment, elect one of their number chairman of the committee, shall adopt a seal for the committee and make such rules for the administration of their office, not inconsistent herewith, as they may deem expedient, and they may hereafter amend or abrogate such rules. A majority of the members of the committee shall constitute a quorum to do business, and the concurrence of a majority of such quorum shall be necessary to render a determination by the license committee.

§ 6. Jurisdiction of committee. The license committee is hereby given the sole control, authority and jurisdiction over all licenses to hold boxing and sparring matches or exhibitions for prizes or purses or where an admission fee is received, and over all licenses to any and all persons who participate in such boxing or sparring matches or exhibitions, as hereinafter provided.

§ 7. License to corporations. The license committee may, in its discretion, issue a license to conduct, hold or give boxing or sparring matches or exhibitions, subject to the provisions hereof, to any corporation duly incorporated under the laws of the state of New York, but not otherwise. Such corporation must hold a lease of a term of at least one year of the premises in which such match or exhibition is to be held.

§ 8. Corporations and persons required to procure licenses; professional boxer defined. All corporations, physicians, referees, judges, timekeepers, professional boxers, their managers, trainers and seconds shall be licensed by the said license committee, and no such corporation or person shall be permitted to participate, either directly or indirectly, in any such boxing or sparring match or exhibition, or the holding thereof, unless such corporation or persons shall have first procured a license from the said license committee. For the purposes of this act, a professional boxer is deemed to be one who competes for a money prize or teaches or pursues or assists in the practice of boxing for a means of obtaining a livelihood or pecuniary gain, and any contest conforming to the rules, regulations and requirements of this act shall be deemed to be a boxing match and not a prize fight.

§ 9. Application for license; license committee to furnish list of licensees to commission. Every application for a license shall be in writing, shall be addressed to the license committee, shall be verified by the applicant, and shall set forth such facts as the provisions hereof and the rules and regulations of the committee may require. The license committee shall furnish the commission with the names and addresses of all persons and corporations receiving licenses.

§ 10. Subpoenas by boxing commission and license committee; oaths. The boxing commission shall have the authority to issue, under the hand of its chairman, and the seal of the commission, subpoenas for the attendance of witnesses before the commission, to the same effect as if they were issued in an action in the supreme court, and it may, by any member, administer oaths and affirmations and it may examine witnesses in all matters pertaining to the administration of the affairs of the commission; and disobedience of such subpoenas and false swearing before such commission shall be attended with the same consequences and be subject to the same penalties as if such disobedience or false swearing occurred in an action in the supreme court. Like authority is hereby given to the license committee.

§ 11. Equipment of buildings for exhibitions. All buildings or structures used or intended to be used for holding or giving such boxing and sparring matches or exhibitions shall be properly ventilated and provided with fire exits and fire escapes, and in all manner conform to the laws, ordinances and regulations pertaining to buildings in the city, town or village where situated.

§ 12. Regulation of conduct of matches or exhibitions. No boxing or sparring match or exhibition shall be of more than fifteen rounds in length, such rounds to be not more than three minutes each; and no boxer shall be allowed to participate in more than fifteen rounds within twelve consecutive hours. The commission may in respect to any bout or in respect to any class of contestants limit the number of rounds of a bout within the maximum of fifteen rounds. At each boxing or sparring match or exhibition there shall be in attendance a duly licensed referee, who shall direct and control the same. Before starting a contest the referee shall ascertain from each contestant the name of his chief second, and shall hold such chief second responsible for the conduct of his assistant seconds during the progress of the contest. The referee shall have power in his discretion to declare forfeited any prize, remuneration or purse, or any part thereof, belonging to the contestants or one of them, if in his judgment, such contestant or contestants are not honestly competing. There shall also be in attendance two duly licensed judges who shall at the termination of each such boxing or sparring match or exhibition render their decision. If they are unable to agree, the decision shall be rendered by the referee. Each contestant shall wear, during such contest, gloves weighing not less than five ounces, if such contestant be a light weight or in a class of less weight and six ounces if such contestant be in a class heavier than the light weight class.

§ 13. Physician to be in attendance. It shall be the duty of every corporation, at its own expense, to have in attendance at every boxing or sparring match or exhibition, a physician who has had not less than three years' medical practice, whose duty it shall be to observe the physical condition of the boxers and advise the referee or judges with regard thereto.

§ 14. Age of participants and spectators. No person under the age of eighteen years shall participate in any boxing or sparring match or exhibition, and no boys under sixteen years of age shall be permitted to attend as spectators.

§ 15. Financial interest in boxer prohibited. No corporation shall have, either directly or indirectly, any financial interest in a boxer competing on premises owned or leased by the corporation, or in which such corporation is otherwise interested.

§ 16. Sham or collusive exhibitions. Every such corporation and the officers thereof, and any such physician, referee, judge,

timekeeper, boxer, manager, trainer and second, who shall conduct, give or participate in any sham or collusive boxing or sparring match or exhibition, shall be deprived of his license by the commission.

§ 17. Revocation or suspension of licenses. Any license herein provided for may be revoked or suspended by the license committee for the reason therein stated, that the licensee has, in the judgment of the said committee, been guilty of an act detrimental to the interests of boxing.

§ 18. Bond. Before a license shall be granted to a corporation, such corporation shall execute and file with the state comptroller a bond in the sum of five thousand dollars, to be approved as to form and sufficiency of sureties thereon by the state comptroller, conditioned for the faithful performance by said corporation of the provisions of this act and the rules and regulations of the commission. and upon the filing and approval of said bond the state comptroller shall issue to said applicant a certificate of such filing and approval, which shall be by said applicant filed in the office of the license committee with its application for license, and no such license shall be issued until such certificate shall be filed. In case of default in such performance, the commission may impose upon the delinquent a penalty in the sum of not more than one thousand dollars for each offense, which may be recovered by the attorney-general in the name of the people of the state of New York in the same manner as other penalties are recovered by law; any amount so recovered shall be paid to the state treasurer, as provided in section twenty-nine of this act.

§ 19. License fees. Each applicant for a license shall, before a license is issued by the license committee, and annually thereafter during the life of such license, pay to the license committee a license fee, as follows: corporations, in cities of the first class, seven hundred and fifty dollars; in cities of the second class, five hundred dollars; elsewhere, three hundred dollars; physicians, twenty-five dollars; referees, twenty-five dollars; judges, twenty-five dollars; timekeepers, five dollars; professional boxers, five dollars; managers, twenty-five dollars; trainers, five dollars, seconds, five dollars.

§ 20. Weights; classes and rules. The weights and classes of boxers and the rules and regulations of boxing shall be the same as the weights and classes and rules and regulations adopted by the Army, Navy and Civilian Board of Boxing Control, Incor-

porated, and the International Sporting Club of New York, Incorporated.

§ 21. Limitation on difference in weight. No contest shall be allowed in which the difference in weight of the respective contestants shall exceed eighteen pounds. This provision shall not apply to boxers in the heavy and light-heavyweight classes.

§ 22. Payments not to be made before contests. No contestant shall be paid for services before the contest, and should it be determined by the judges and referee that such contestant did not give an honest exhibition of his skill, such services shall not be paid for.

§ 23. Examination by physician. All boxers must be examined by a licensed physician within three hours of his entering the ring.

§ 24. Report of medical examination. Every corporation shall file with the commission a report of medical examinations not later than twenty-four hours after the termination of a contest.

§ 25. Payments to state. Every corporation holding any boxing or sparring match or exhibition under this act, for which an admission is charged and received, shall pay to the state treasurer five per centum of the total gross receipts, exclusive of any federal taxes paid thereon. Such payment shall be made within seventy-two hours after the holding of the contest.

§ 26. Tickets to indicate purchase price. All tickets of admission to any such boxing or sparring match or exhibition shall bear clearly upon the face thereof the purchase price of same, and no such tickets shall be sold for more than such price as printed thereon. It shall be unlawful for any such corporation to admit to such contest a number of people greater than the seating capacity of the place where such contest is held.

§ 27. Misdemeanor. Any person who directly or indirectly holds any such boxing or sparring match or contest without first having procured a license as hereinbefore prescribed shall be guilty of a misdemeanor.

§ 28. Certain provisions of penal law inapplicable. The provisions of section seventeen hundred and ten of the penal law shall not apply to any boxing or sparring match or exhibition, conducted, held or given, pursuant to the provisions of this act, nor to any boxing or sparring match or exhibition in which all the contestants are amateurs.

§ 29. Appropriation. For the purpose of carrying into effect the provisions of this act for the fiscal year beginning July first, nineteen hundred and twenty, there is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, the sum of forty thousand dollars (\$40,000), or so much thereof as may be necessary. All receipts of the license committee shall be paid over to the state treasurer.

§ 30. This act shall take effect immediately.

(No. 15.)

AN ACT to amend the education law, relative to salaries of teachers and employees and providing state aid for the payment thereof.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The title of article thirty-three-b of chapter twenty-one of the laws of nineteen hundred and nine, entitled "An act relating to education, constituting chapter sixteen of the consolidated laws," as amended by chapter one hundred and forty of the laws of nineteen hundred and ten, which article was added by chapter six hundred and forty-five of the laws of nineteen hundred and nineteen, is hereby amended to read as follows:

ARTICLE 33-b.

SALARIES OF THE MEMBERS OF THE SUPERVISING AND TEACHING STAFFS [IN CITY SCHOOLS] AND OF EMPLOYEES.

§ 2. Section eight hundred and eighty-two of said article is hereby amended to read as follows:

§ 882. Powers of board of education as to salaries. The board of education of each city of the state shall adopt by-laws fixing the *compensation* or salaries of the superintendent of schools, associate, district or other superintendents, members of the board of examiners, *assistant examiners* [if any], directors, *assistant directors*, inspectors, supervisors, principals, teachers, lecturers, special instructors, *special teachers*, *administrative assistants*, librarians, attendance officers, secretaries, auditors, clerks, teacher

clerks, and of all [other members of the supervising and the teaching staff] persons employed in the management, administration or supervision of the schools or educational activities of the city authorized by the education law and under the direction and management of the board of education notwithstanding any provision to the contrary contained in the charter of such city or in any act relating to such city or in any general, special or local act. Such by-laws shall establish uniform schedules of compensation or salaries for all [members of the supervising and teaching staff] officers and employees of the board of education in each city. The compensation, salaries and salary increments so fixed for [principals and teachers] said officers and employees by the by-laws of the board of education of each city [on and after January first, nineteen hundred and twenty,] shall be not less than those prescribed in the following sections of this article.

§ 3. Such article is hereby amended by inserting therein a new section, eight hundred and eighty-three-a, and a new section, eight hundred and eighty-three-b, to read as follows:

§ 883-a. *Increases in salaries in cities of the first class having a population of one million or more. In a city of the first class having a population of one million or more inhabitants, the board of education shall adopt schedules and schedule conditions to become effective on and after the first day of August, nineteen hundred and twenty, which schedules and schedule conditions shall fix the compensation or salaries, whether on a per annum or on a non-per annum basis, of the superintendent of schools, all associate, district or other superintendents, members of the board of examiners, assistant examiners, directors, assistant directors, inspectors, supervisors, principals, assistants to principals (heads of departments), teachers, special instructors, special teachers, administrative assistants, clerical assistants, librarians, attendance officers, secretaries, auditors, clerks, teacher clerks and all officers and employees of said board of education. The schedules and schedule conditions so to be adopted shall provide that on and after the first day of August, nineteen hundred and twenty, the compensation, salaries and salary increments to be paid to each of said persons which shall be not less than the compensation, salaries and salary increments fixed for each of said persons by the schedules and schedule conditions adopted by said board of education prior to the first day of April, nineteen hundred and twenty, plus the following amounts: not less than forty*

per centum of all compensation, salaries and salary increments, in each and every schedule so fixed and adopted by said board of education in which the maximum compensation or salary earnable during any one year does not exceed two thousand two hundred and sixty dollars; not less than thirty per centum of all compensation, salaries and salary increments, in each and every schedule so fixed and adopted by said board of education in which the maximum compensation or salary earnable during any one year exceeds two thousand two hundred and sixty dollars, but does not exceed four thousand dollars; and not less than twenty per centum of all compensation, salaries and salary increments, in each and every schedule so fixed and adopted by said board of education in which the maximum compensation or salary earnable during any one year exceeds four thousand dollars. Any provision in any schedule or schedule condition which postpones the full operation of said schedules beyond the first day of August, nineteen hundred and twenty, shall be of no effect and any provision of law, which authorizes such postponement beyond the first day of August, nineteen hundred and twenty, is hereby repealed and the compensation, salaries and salary increments in the schedules to be adopted pursuant to the provisions of this act shall become fully operative and shall be paid on and after said first day of August, nineteen hundred and twenty, subject, however, to provisions of law relating to approval of service as satisfactory.

§ 883-b. *In a city of the first class having a population of one million or more inhabitants, the board of trustees, officers or bodies having appropriate jurisdiction shall adopt schedules and schedule conditions to become effective on and after the first day of August, nineteen hundred and twenty, fixing the compensation or salaries of principals, assistants, teachers, instructors, clerical assistants and all persons employed in the management, administration or supervision of a high school or a model school in said city, in which high school or model school the compensation or salaries of said persons are paid directly or indirectly out of moneys appropriated by the board of estimate and apportionment or like financial authority in said city, and in which the minimum curriculum or course of study is established or is subject to approval by the board of education of said city or by the board of regents of the state of New York, and which is maintained in every respect as a public high school or model school. Such schedules*

shall provide for compensation, salaries and salary increments to be paid to each of said persons which shall be not less than those fixed and adopted by the board of education of said city pursuant to the provisions of this act, for principals, teachers, instructors, clerical assistants and employees performing like services in the high schools and model schools under the jurisdiction of said board of education. The board of estimate and apportionment or like financial authority in such city, shall, in addition to any other appropriation provided for by law for such school, appropriate annually for such school, an amount which shall be sufficient to pay the increases in salaries provided for in this section, and the moneys so appropriated shall be used for the payment of said increases in salaries.

§ 4. Sections eight hundred and eighty-four, eight hundred and eighty-five and eight hundred and eighty-six of such article are hereby amended to read as follows:

§ 884. Salaries in cities of the first class having a population of less than one million. [The salaries and salary increments of members of the supervising and teaching staff in cities of the first class having a population according to the federal census of nineteen hundred and ten, of less than one million shall be not less than those prescribed in the following schedules:

A. ELEMENTARY SCHOOLS.

Schedule A-1. Teachers of kindergarten and first to eighth year classes: first year, eight hundred dollars; number of annual increments, not less than eight.

B. HIGH SCHOOLS.

Schedule B-1. Teachers: first year, one thousand two hundred dollars; number of annual increments, not less than eight.】

In a city of the first class having a population of less than one million the board of education shall adopt schedules and schedule conditions to become effective on and after the first day of August, nineteen hundred and twenty, which schedules and schedule conditions shall fix the compensation or salaries of the members of the supervising and teaching staff in said city. The schedules and schedule conditions so to be adopted shall provide that on and after the first day of August, nineteen hundred and twenty, the compensation or salary paid to each member of the supervising and teaching staff in said city shall be not less than four hundred dollars in advance of the compensation or salary

fixed in the schedules adopted by said board of education prior to and in effect on the first day of March, nineteen hundred and twenty, as the same shall appear in the schedules filed in the office of the state commissioner of education, provided that on and after said first day of August, nineteen hundred and twenty, the minimum compensation or salary paid to any member of the supervising and teaching staffs in the junior high schools of said city shall be not less than one thousand six hundred dollars per annum. The schedules and schedule conditions so to be adopted shall provide further that on and after said first day of August, nineteen hundred and twenty, the annual increments in each and every schedule which has a fixed minimum compensation or salary and a maximum compensation or salary, shall be not less than one hundred dollars nor less than one-eighth of the difference between such minimum compensation or salary and that maximum compensation or salary to which a member of the supervising and teaching staff employed under such schedule shall be automatically carried. Nor shall the number of said annual increments in any schedule be less than eight.

§ 885. Salaries in cities of the second class. *On and after the first day of August, nineteen hundred and twenty, [T]he salaries and salary increments of members of the supervising and teaching staff in cities of the second class shall be not less than those prescribed in the following schedules:*

A. ELEMENTARY SCHOOLS.

Schedule A-1. Teachers of kindergarten and first to eighth year classes: first year, [eight hundred] *one thousand one hundred dollars; annual increment, not less than one hundred dollars; number of annual increments, not less than eight.*

B. HIGH SCHOOLS.

Schedule B-1. Teachers: first year, *one thousand three hundred dollars; annual increment, not less than one hundred dollars; number of annual increments, not less than eight.*

§ 886. Salaries in cities of the third class. *On and after the first day of August, nineteen hundred and twenty, [T]he salaries and salary increments and the contracts for compensation of members of the supervising and teaching staff in cities of the third class and in union free school districts authorized by law to have superintendents of schools shall be not less than nor provide for less than those prescribed in the following schedules:*

A. ELEMENTARY SCHOOLS.

Schedule A-1. Teachers of kindergarten and first to eighth year classes: first year, [seven hundred and twenty] *one thousand dollars; annual increment, not less than seventy-five dollars; number of annual increments, not less than eight.*

B. HIGH SCHOOLS.

Schedule B-1. Teachers: first year, [eight hundred and forty] *one thousand one hundred and fifty dollars; annual increment, not less than seventy-five dollars; number of annual increments, not less than eight.*

§ 5. Such article is hereby amended by inserting therein a new section, eight hundred and eighty-six-a, to read as follows:

§ 886-a. *Salaries in union free school districts. On and after the first day of August, nineteen hundred and twenty, the salaries and salary increments and the contracts for compensation of members of the supervising and teaching staff in union free school districts having an academic department or high school approved by the commissioner of education, other than those provided for in the preceding section, shall be not less than nor provide for less than those prescribed in the following schedules:*

A. ELEMENTARY SCHOOLS.

Schedule A-1. Teachers of kindergarten and first to eighth year classes: first year, eight hundred dollars; annual increment, not less than fifty dollars; number of annual increments, not less than eight.

B. HIGH SCHOOLS.

Schedule B-1. Teachers: first year, nine hundred dollars; annual increment, not less than fifty dollars; number of annual increments, not less than eight.

§ 6. Section eight hundred and eighty-seven of such article is hereby amended to read as follows:

§ 887. *Boards to fix salaries.* The board of education in each union free and city school district of the state shall fix the compensation, salaries and annual salary increments of all members of the supervising and teaching staffs including members of the board of examiners, assistant examiners, directors, inspectors, supervisors, principals, teachers, special instructors, special teachers, administrative assistants, librarians, attendance officers, secretaries, auditors, clerks, teacher clerks and of all officers and

persons employed in the management, administration or supervision of the schools or educational activities of such union free or city school district authorized by the education law and under the direction and management of the board of education, notwithstanding any provision to the contrary contained in the charter of a city, the whole or a portion of which is included within the city school district or in any act relating to such city or in any general, special or local act. [and of all principals, teachers, supervisors or other employees, whose salaries are not fixed by the provisions of this act.] The board of education in each *union free and city school district* may also, in its discretion, increase the minimum compensation, salaries and salary increments of any members of the supervising and teaching staffs or other employees *hereinbefore specified in this section*, whose compensation or salaries are not fixed by the provisions of this act.

§ 7. Section four hundred and ninety-one-a of such chapter, as added by chapter six hundred and forty-nine of the laws of nineteen hundred and nineteen, is hereby amended to read as follows:

§ 491-a. Additional apportionment of school moneys. 1. In addition to any other apportionment or quota provided for in this article, to be applied to the payment of teachers' salaries, the commissioner of education shall apportion and pay annually, *at the same time and in the same manner as public school moneys are apportioned and paid under this article, or prior thereto in the discretion of the commissioner of education:* To each city school district and to each common or union free school district, **[for]** *from* moneys appropriated for the support of common schools, **[one hundred dollars]** for each teacher employed in the school or schools of such district who shall have taught during the period required by law, *as follows:*

(a) In cities of the first class containing a population of over one million, six hundred dollars.

(b) In cities of the first class, containing a population of less than one million, five hundred and fifty dollars.

(c) In cities of the second class containing a population, according to the federal census of nineteen hundred and twenty, of over one hundred and fifty thousand, and in cities of the second and third classes in a county adjoining a city having a population of over one million, which county has a population of over four hundred thousand, five hundred dollars.

(d) In other cities of the second class, four hundred and fifty dollars.

(e) In other cities of the third class and in union free school districts authorized by law to have superintendents of schools, three hundred and fifty dollars.

(f) In other union free school districts maintaining academic departments, three hundred dollars.

(g) In common school districts, two hundred and fifty dollars.

2. The additional teachers' quotas herein provided for shall be apportioned subject to the following conditions:

(a) The schedules and schedule conditions required by article thirty-three-b of this chapter, as hereby amended, shall have been duly filed, and the salaries and salary increments of members of the teaching and supervising staffs of city and union free school districts shall be not less than those prescribed in such article and shall be fixed as therein provided.

(b) There shall be paid to each teacher in a city or union free school district on account of whom a teacher's quota is apportioned as herein provided, for the school year beginning August first, nineteen hundred and twenty, an amount equal to the quota so apportioned, in excess of the annual salary paid to such teacher in such city or union free school district under schedules or contracts in force during the school year of nineteen hundred and eighteen and nineteen hundred and nineteen. If, for sufficient cause shown to the satisfaction of the commissioner of education, the annual salary of a teacher in such city or union free school district shall have been increased in an amount less than that of such teacher's quota, the commissioner may apportion to such city or district on account of such teacher the whole or a portion of such quota.

(c) In case new positions are created and additional teachers are employed, or teachers are employed who were not on the teaching staff of a city or union free school district when this act takes effect, such teachers shall receive for the school year beginning August first, nineteen hundred and twenty, the salaries prescribed under the schedules and schedule conditions adopted as provided in article thirty-three-b of this chapter, as hereby amended, and in force and effect on and after August first, nineteen hundred and twenty.

(d) The additional teachers' quotas apportioned as herein provided shall be based on the number of teachers employed in each

city, union free and common school district for the school year preceding the time when such apportionment is made.

(e) The commissioner of education may in his discretion withhold from a city or union free school district the whole or a portion of a teacher's quota to be apportioned as herein provided, for a failure on the part of a board of education to comply with the provisions of article thirty-three-b of this chapter, as amended, or for a refusal or failure to place such teacher in a position in the schedule or under such schedule conditions to which she is justly entitled.

3. The trustees or board of education in each school district, except a city school district, *and a union free school district in which schedules of compensation or salaries are required to be filed as provided in article thirty-three-b of this chapter*, shall **increase the salary of** *pay to each teacher employed in such district* **at least one hundred dollars in advance of the salary paid the teacher employed at the time of the passage of this act** *a compensation or a salary which shall not be less than at the rate of eight hundred dollars for a school year of forty weeks. Such minimum* **increased** *compensation or salary shall become effective for the school year beginning August first,* **nineteen hundred and nineteen** *nineteen hundred and twenty, and continue annually thereafter. If such teacher shall be paid at such rate for a school year of less than forty weeks, the quota apportioned to such district on account of such teacher as provided herein shall be reduced proportionately.*

§ 8. The sum of twenty million two hundred and fifty thousand dollars (\$20,250,000), or so much thereof as may be necessary, is hereby appropriated to the commissioner of education for carrying out the provisions of section four hundred and ninety-one-a of the education law, as added by chapter six hundred and forty-five of the laws of nineteen hundred and nineteen and amended by this act, in addition to any other moneys appropriated for the support of common schools.

§ 9. Out of the moneys appropriated by this act for the payment of teachers' quotas there shall be paid to qualified teachers employed in the state education department as inspectors, specialists and examiners, performing duties and services relative to the inspection and supervision of public schools, and the preparation of questions for the review and the correction of examination papers presented by, pupils of the public schools, in addition to the salaries payable to such inspectors, specialists and examiners

for the year ending June thirtieth, nineteen hundred and twenty, an amount equal to twenty per centum of the salaries so paid for such year.

§ 10. This act shall take effect immediately.

(No. 16.)

Amend Assembly bill (No. 1014, Int. No. 920) introduced by Mr. Tallett, entitled "An act to amend the education law, in relation to the classification of salaries of the members of the faculty of the State College for Teachers and the state normal schools," as follows:

Strike out all after the title and insert in place thereof the following:

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eight hundred and seventeen of chapter twenty-one of the laws of nineteen hundred and nine, entitled "An act relating to education, constituting chapter sixteen of the consolidated laws," as amended by chapter one hundred and forty of the laws of nineteen hundred and ten, chapter five hundred and fifty-eight of the laws of nineteen hundred and eighteen and chapter five hundred and sixty of the laws of nineteen hundred and nineteen, is hereby amended to read as follows:

§ 817. Teachers, salaries, et cetera. 1. The commissioner of education shall determine the number of teachers to be employed and the classification of each position in the State College for Teachers and in each state normal school and the salaries of such teachers shall be subject to the provisions herein contained. The employment of such teachers shall also be subject to his approval.

2. The members of the faculty of the State College for Teachers shall be classified as follows:

- a. President.
- b. Dean.
- c. **[Professor]** *Dean of women.*
- d. **[Instructor]** *Professor.*
- e. **[Assistant instructor]** *Assistant professor.*
- f. *Instructor.*
- g. *Assistant instructor.*

3. The members of the faculty of each of the state normal and training schools shall be classified as follows:

a. Principal.

b. Head of department, or supervisor.

c. Assistant in department.

d. Teachers in charge of grades of children in the elementary schools of practice as critic and model teachers.

4. Each member of the faculty of the State College for Teachers and of each of the faculties of the state normal and training schools shall receive an annual salary to be paid in ten equal payments. The first payment shall be made on the first day of October each year and one payment thereafter on the first day of each month up to and including the first day of July.

5. Each person now holding or hereafter appointed to a position under the foregoing classification of the faculty of the said State College for Teachers shall receive the salary provided in the annual appropriation bill for such position, which salary shall be increased annually until the maximum salary as hereinafter provided for such position is reached. [, except that n] No new appointment shall be made at a salary greater than the minimum salary hereinafter provided for the respective position except [as the commissioner of education may make allowance] *that not more than two annual increments may be allowed in addition to such minimum salary for unusual training or equivalent experience in other teaching positions [.] but in no case shall the amount to be paid be in excess of the amount appropriated therefor.* For the positions hereinafter named the minimum and maximum salaries and the annual increases shall be as follows:

a. President, minimum salary, six thousand dollars; maximum salary, six thousand five hundred dollars; *annual increase, two hundred and fifty dollars.*

b. Dean, minimum salary, four thousand five hundred dollars; maximum salary, [four] five thousand [five hundred] dollars; *annual increase, two hundred and fifty dollars.*

c. *Dean of women, minimum salary, two thousand dollars; maximum salary, three thousand two hundred dollars; annual increase, two hundred dollars.*

d. [c] Professor, minimum salary, [two] three thousand [five hundred] dollars; maximum salary, four thousand five hundred dollars; *annual increase, two hundred and fifty dollars.*

e. [d] Assistant professor, minimum salary, [one] *two* thousand [seven hundred and fifty] dollars; maximum salary, [two] *three* thousand [four hundred] dollars; annual increase, [one] *two* hundred [and fifty] dollars.

f. [e] Instructor, minimum salary, one thousand five hundred dollars; maximum salary, one thousand [seven hundred and fifty] *nine hundred* dollars; annual increase, one hundred dollars.

g. [f] Assistant instructor, minimum salary, one thousand two hundred dollars; maximum salary, one thousand five hundred dollars; annual increase, one hundred dollars.

6. Each person now holding or hereafter appointed to a position under the foregoing classification of the faculty of the state normal and training schools shall receive the salary provided in the annual appropriation bill for such position, which salary shall be increased annually as hereinafter provided. [except that] *No new appointment shall be made at a greater salary than the minimum salary herein provided for the respective positions, except that not more than two annual increments may be allowed in addition to such minimum salary for unusual training or equivalent experience in other teaching positions, but in no case shall the amount to be paid be in excess of the amount appropriated therefor.* For the positions hereinafter named the minimum and maximum salaries and the annual increases shall be as follows:

a. Principal, minimum salary, [three] *four* thousand [eight hundred] dollars; maximum salary, [four] *five* thousand [five hundred] dollars; annual increase, two hundred and fifty dollars. [After the maximum salary is reached a] *A deduction of five hundred dollars shall be made in the salary of a principal for whom the state provides a residence.*

b. Head of department, or supervisor, minimum salary, two thousand *and five hundred* dollars; maximum salary, *four thousand dollars for not to exceed five positions in any one school, and not more than three thousand and five hundred dollars for the others in such positions* [three thousand dollars]; annual increase, *two hundred and fifty* dollars.

c. Assistant in a department, minimum salary, one thousand [four] *eight* hundred dollars; maximum salary, two thousand *six hundred* dollars; annual increase, [one] *two* hundred dollars.

d. Teacher in charge of grade as critic or model teacher, minimum salary, one thousand *eight hundred* dollars; maximum

salary, [one] *two* thousand [five] *six* hundred dollars; annual increase, [one] *two* hundred dollars.

The foregoing classifications shall not apply to part-time teachers, extension teachers, teachers of evening classes or to teachers in summer sessions of the State College for Teachers or of the state normal schools. No person employed under any of the foregoing classifications shall be entitled to the annual increase hereinbefore provided whose service is not meritorious.

7. The regents of the university shall determine the procedure by which a member of the faculty of one of the institutions herein specified who has reached the maximum salary in his classification may be promoted to the next higher grade on evidence of continued meritorious services; provided, however, that in the State College for Teachers the total number of professors shall not be increased beyond one such professor for each [sixty] *fifty* full-time matriculated students; [and that the total number of assistant professors in said State College for Teachers shall not be increased beyond one such professor for each sixty full-time matriculated students;] but nothing herein shall be construed to affect the number of such professors and assistant professors employed in such State College for Teachers at the time this act shall take effect.

§ 2. For the fiscal year beginning July first, nineteen hundred and twenty, there shall be paid to each of the persons holding any of the positions classified under the foregoing provisions of this act such a sum as shall be sufficient to provide a double increment when added to the increment provided for each of such positions in chapter one hundred and sixty-five of the laws of nineteen hundred and twenty. In addition thereto, there shall be paid to each of the persons whose positions are so classified, whose salaries when increased by the double increments herein provided for shall then be less than fifteen hundred dollars, an additional sum sufficient to increase each of such salaries to fifteen hundred dollars.

For the purpose of carrying into effect the provisions of this act, the sum of one hundred eighteen thousand and eighty dollars (\$118,080), or so much thereof as may be necessary in addition to the appropriation made in the annual appropriation bills, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be distributed as follows:

STATE COLLEGE FOR TEACHERS.

PERSONAL SERVICE.

(General.)

President	\$500 00
Dean	500 00
Professor, 15 at \$250	3,750 00
Assistant professor, 2 at \$300	600 00
Assistant professor, 7 at \$250	1,750 00
Instructor, 2 at \$200	400 00
Instructor, 2 at \$150	300 00
Instructor, 11 at \$100	1,100 00
Assistant instructor, 2 at \$100	200 00
Assistant instructor	200 00
Assistant instructor	300 00

STATE COLLEGE FOR TEACHERS.

PERSONAL SERVICE.

(Smith-Hughes Federal Act.)

Professor	250 00
Assistant professor	300 00
Instructor	150 00
Instructor, 6 at \$100	600 00

Industrial Department (at Buffalo).

Assistant professor, 3 at \$250	750 00
Instructor	100 00

BROCKPORT STATE NORMAL SCHOOL.

PERSONAL SERVICE.

Principal	500 00
Head of department, 10 at \$300	3,000 00
Assistant in department, 7 at \$300	2,100 00
Assistant in department	350 00
Critic or model teacher, 7 at \$300	2,100 00
Critic or model teacher	400 00

BUFFALO STATE NORMAL SCHOOL.

PERSONAL SERVICE.

(General.)

Principal	\$500 00
Head of department	400 00
Head of department, 8 at \$300	2,400 00
Assistant in department	400 00
Assistant in department, 12 at \$300	3,600 00
Assistant in department	420 00

BUFFALO STATE NORMAL SCHOOL.

PERSONAL SERVICE.

(Smith-Hughes Federal Act.)

Assistant professor	50 00
Assistant professor	250 00
Instructor	200 00
Instructor	600 00

Industrial Department.

Head of department	250 00
Instructor	200 00

CORTLAND STATE NORMAL SCHOOL.

PERSONAL SERVICE.

Principal	300 00
Head of department	500 00
Head of department, 9 at \$300	2,700 00
Assistant in department, 11 at \$300	3,300 00
Critic or model teacher, 3 at \$300	900 00
Critic or model teacher	350 00
Critic or model teacher, 3 at \$400	1,200 00

FREDONIA STATE NORMAL SCHOOL.

PERSONAL SERVICE.

Principal	300 00
Head of department, 10 at \$300	3,000 00
Assistant in department, 12 at \$300	3,600 00
Critic or model teacher, 8 at \$300	2,400 00

GENESEO STATE NORMAL SCHOOL.

PERSONAL SERVICE.

Principal	\$300 00
Head of department, 10 at \$300	3,000 00
Assistant in department, 12 at \$300	3,600 00
Assistant in department	350 00
Assistant in department, 3 at \$400	1,200 00
Assistant in department	450 00
Assistant in department	480 00
Critic or model teacher, 13 at \$300	3,900 00
Critic or model teacher, 4 at \$400	1,600 00

NEW PALTZ STATE NORMAL SCHOOL.

PERSONAL SERVICE.

Principal	500 00
Head of department, 10 at \$300	3,000 00
Assistant in department	400 00
Assistant in department, 7 at \$300	2,100 00
Critic or model teacher, 8 at \$300	2,400 00

ONEONTA STATE NORMAL SCHOOL.

PERSONAL SERVICE.

Principal	300 00
Head of department, 3 at \$500	1,500 00
Head of department, 8 at \$300	2,400 00
Assistant in department, 10 at \$300	3,000 00
Critic or model teacher, 16 at \$300	4,800 00
Critic or model teacher, 2 at \$400	800 00

OSWEGO STATE NORMAL SCHOOL.

PERSONAL SERVICE.

(General.)

Principal	300 00
Head of department, 2 at \$400	800 00
Head of department, 7 at \$300	2,100 00
Assistant in department	350 00
Assistant in department, 6 at \$300	1,800 00
Critic or model teacher, 3 at \$400	1,200 00
Critic or model teacher	350 00

Critic or model teacher	\$300 00
Critic or model teacher, 2 at \$400	800 00
Critic or model teacher	500 00

(Smith-Hughes Federal Act.)

Head of department	500 00
Assistant in department, 2 at \$400	800 00
Assistant in department, 3 at \$300	900 00

PLATTSBURG STATE NORMAL SCHOOL.

PERSONAL SERVICE.

Principal	300 00
Head of department, 10 at \$300	3,000 00
Assistant in department	400 00
Assistant in department, 5 at \$300	1,500 00
Critic or model teacher, 8 at \$300	2,400 00

POTSDAM STATE NORMAL SCHOOL.

PERSONAL SERVICE.

Principal	300 00
Head of department, 10 at \$300	3,000 00
Assistant in department, 18 at \$300	5,400 00
Critic or model teacher, 11 at \$300	3,300 00
Critic or model teacher, 8 at \$400	3,200 00
Critic or model teacher	480 00

§ 3. This act shall take effect July first, nineteen hundred and twenty.

(No. 161½.)

AN ACT to amend the Greater New York charter, in relation to reduction in assessed valuation of real property on which tenement houses may be hereafter constructed, within a limited period.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The Greater New York charter, as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby amended by inserting therein, after

section eight hundred and ninety-two-a, a new section, to be section eight hundred and ninety-two-b, to read as follows:

§ 892-b. Where a tenement house, as defined by the tenement house law, is erected upon a lot subsequent to the passage of this act but prior to January first, nineteen hundred and twenty-eight, and is occupied and arranged to be occupied by at least six families and so maintained, the assessed valuation of the lot as shown by the records of the department of taxes and assessments shall constitute the total assessed valuation of the tenement house and lot in each year during the period ending January first, nineteen hundred and twenty-eight. To entitle the owner of a tenement house to the reduced assessed valuation provided for by this section, the owner shall file or cause to be filed with the tenement house commissioner on or before December first of each year the affidavit of one or more persons in the form prescribed by the tenement house commissioner setting forth that such tenement house conforms to the requirements of this section. Upon the certification of the tenement house commissioner to the department of taxes and assessments that such house conforms to the requirements of this section, said department shall make such necessary entry upon the proper assessment-rolls affecting such property, as will carry out the intent and purpose of this act. If such affidavit be filed before the completion of the assessment-rolls in any year during the period included in this act, and if the tenement house commissioner is satisfied that the tenement house is nearing completion and will be ready for occupancy on May first in any such year, the reduced assessment herein provided for may begin with such year. During the period included in this act, the department of taxes and assessments may call upon the tenement house commissioner to investigate and report as to any complaint that the average number of families occupying the tenement house is less than six because of alterations or changes in the arrangement of the building.

(No. 17)

By Mr. Donohue:

Amend Assembly bill, Int. No. 933, Print Nos. 1027, 1726, 1886, 2179, introduced by Mr. Donohue, and entitled "An act to amend the education law, relative to salaries of teachers and em-

ployees and providing state aid for the payment thereof," as follows:

Strike out all after the enacting clause, and insert in place thereof the following:

Section 1. Section eight hundred and eighty-three of chapter twenty-one of the laws of nineteen hundred and nine, entitled "An act relating to education, constituting chapter sixteen of the consolidated laws," as amended by chapter one hundred and forty of the laws of nineteen hundred and ten, as added by chapter six hundred and forty-five of the laws of nineteen hundred and nineteen, is hereby amended to read as follows:

§ 883. Salaries in cities of the first class having a population of one million or over. The schedules adopted by the board of education, in a city of one million inhabitants or more, shall not discriminate between the salaries and salary increments of members of the teaching staff in such schools because of the sex of said members notwithstanding any provision of the charter of such city inconsistent herewith. Such salaries and increments shall be not less than those prescribed in the following schedules:

A. ELEMENTARY SCHOOLS.

Schedule A-1. All teachers of kindergarten to six-b classes: First year, not less than one thousand and five *hundred* dollars; annual increment, not less than one hundred and *twenty-five* dollars; number of annual incremets, not less than eleven.

Schedule A-2. All teachers of seven-a to nine-b classes: First year, not less than one thousand **[three]** *seven* hundred and fifty dollars; annual increment, not less than one hundred and fifty dollars; number of annual increments, not less than **[nine]** *ten*.

Schedule A-3. All teachers of special subjects in the day elementary schools and all teachers teaching classes, in such schools, for which a special license is required; same as schedule a-two.

Schedule A-4. Assistants to principal (heads of departments): First year, not less than **[two]** *three* thousand **[eight]** *three* hundred dollars; annual increment, not less than one hundred dollars; number of annual increments, ot less tha two.

Schedule A-5. Principals of day elementary schools and heads of model schools; principals of schools for the deaf, for the crippled; principals of continuation, prevocational, parental, or

probationary schools; principals of intermediate (junior high) schools: First year, three thousand *six hundred* dollars; annual increment, two hundred and fifty dollars; number of increments, four.

Schedule A-6. Teacher clerks: First year, twelve hundred dollars; annual increment, one hundred dollars; number of increments, four.

B. HIGH SCHOOLS AND TRAINING SCHOOLS.

Schedule B-1. Assistant teachers, including teachers of cooking, sewing and physical training, model teachers and critic teachers: First year, one thousand [three] *eight hundred* [and fifty] dollars; annual increment, one hundred and fifty dollars; number of annual increments, twelve.

Schedule B-2. First assistants: First year, [two] *three thousand* [six] *one hundred* [and fifty] dollars; annual increment, two hundred dollars; number of annual increments, five.

Schedule B-3. Clerical, laboratory, library and placement and investigation assistants: First year, one thousand *four hundred* dollars; annual increment, one hundred dollars; number of annual increments, ten.

Schedule B-4. Principals of training and high schools having twenty-five or more classes: First year, five thousand *five hundred* dollars; annual increment, two hundred and fifty dollars; number of annual increments, two.

The board of education of such city shall adopt schedules and schedule conditions to become effective on and after the first day of August, nineteen hundred and twenty, which schedules and schedule conditions shall fix the compensation or salaries of the members of the teaching and supervising staffs, as specified and required in the foregoing schedules, and shall also fix the compensation or salaries of all other members of the teaching and supervising staffs and of other employees of the board of education, whether on a per annum or on a non-per annum basis, including, in addition to those falling within the foregoing schedules, the superintendent of schools, all associate, district or other superintendents, members of the board of examiners, assistant examiners directors, assistant directors, inspectors, supervisors, special instructors, special teachers, administrative assistants, clerical assist-

ants, librarians, attendance officers, secretaries, auditors, clerks, teacher clerks and all officers and employees of said board of education, notwithstanding any provision to the contrary contained in the charter of such city or in any act relating to such city or in any general, special or local act. The schedules and schedule conditions so to be adopted, fixing the salaries of such members of the teaching and supervising staffs and other employees as do not fall within the foregoing schedules, shall provide that on and after the first day of August, nineteen hundred and twenty, the compensation, salaries and salary increments to be paid to each of said persons shall be not less than the compensation or salaries fixed for each of said persons by the schedules and schedule conditions adopted by said board of education prior to the first day of April, nineteen hundred and twenty, plus the following amounts: not less than thirty per centum of all compensation or salary of each of said persons, as so fixed in such schedules and schedule conditions, if such compensation or salary earnable during any one year does not exceed two thousand dollars; not less than twenty per centum of the compensation or salary of each of said persons, as so fixed in such schedules and schedule conditions, if such compensation or salary earnable during any one year exceeds two thousand dollars, but does not exceed four thousand dollars; and not less than ten per centum of the compensation or salary of each of said persons, as so fixed in such schedules and schedule conditions, if such compensation or salary earnable during any one year exceeds four thousand dollars. Any provision in any schedule or schedule condition which postpones the full operation of said schedules beyond the first day of August, nineteen hundred and twenty, shall be of no effect and any provision of law which authorizes such postponement beyond the first day of August, nineteen hundred and twenty, is hereby repealed and the compensation, salaries and salary increments in the schedules to be adopted pursuant to the provisions of this act shall become fully operative and shall be paid on and after said first day of August, nineteen hundred and twenty, subject, however, to provisions of law relating to approval of service as satisfactory.

§ 2. Article thirty-three-b of such chapter, as inserted by chapter six hundred and forty-five of the laws of nineteen hundred and nineteen is hereby amended by inserting therein a new

section to be known as section eight hundred and eighty-three-a and to read as follows:

§ 883. Special provisions as to certain high schools. In a city of the first class having a population of one million or more inhabitants, the board of trustees, officers or bodies having appropriate jurisdiction shall adopt schedules and schedule conditions to become effective on and after the first day of August, nineteen hundred and twenty, fixing the compensation or salaries or principals, assistants, teachers, instructors, clerical assistants and all persons employed in the management, administration or supervision of a high school or a model school in said city, in which high school or model school the compensation or salaries of said persons are paid directly or indirectly out of moneys appropriated by the board of estimate and apportionment or like financial authority in said city, and in which the minimum curriculum or course of study is established or is subject to approval by the board of education of said city or by the board of regents of the state of New York, and which is maintained in every respect as a public high school or model school. Such schedules shall provide for compensation, salaries and salary increments to be paid to each of said persons which shall be not less than those fixed and adopted by the board of education of said city pursuant to the provisions of this act, for principals, teachers, instructors, clerical assistants and employees performing like services in the high schools and model schools under the jurisdiction of said board of education. The board of estimate and apportionment or like financial authority of such city shall, in addition to any other appropriation provided for by law for such school, appropriate annually for such school an amount sufficient to pay the increases in salaries provided for in this section, and the money so appropriated shall be used for the payment of said increases in salaries.

§ 3. Sections eight hundred and eighty-four, eight hundred and eighty-five and eight hundred and eighty-six of such article are hereby amended to read as follows:

§ 884. Salaries in cities of the first class having a population of less than one million. [The salaries and salary increments of members of the supervising and teaching staff in cities of the first class having a population according to the federal census of nineteen hundred and ten, of less than one million shall be not less than those prescribed in the following schedules:

A. ELEMENTARY SCHOOLS.

Schedule A-1. Teachers of kindergarten and first to eighth year classes: first year, eight hundred dollars; number of annual increments, not less than eight.

B. HIGH SCHOOLS.

Schedule B-1. Teachers: first year, one thousand two hundred dollars; number of annual increments, not less than eight. **1**

In a city of the first class having a population of less than one million the board of education shall adopt schedules and schedule conditions to become effective on and after the first day of August, nineteen hundred and twenty, which schedules and schedule conditions shall fix the compensation or salaries of the members of the supervising and teaching staff in said city. The schedules and schedule conditions so to be adopted shall provide that on and after the first day of August, nineteen hundred and twenty, the annual compensation or salary paid to each member of the supervising and teaching staff in said city shall be not less than four hundred dollars in advance of the compensation or salary fixed in the schedules adopted by said board of education prior to and in effect on the first day of March, nineteen hundred and twenty, as the same shall appear in the schedules filed in the office of the state commissioner of education, provided that on and after said first day of August, nineteen hundred and twenty, the minimum compensation or salary paid to any member of the supervising and teaching staffs in the junior high schools of said city shall be not less than one thousand six hundred dollars per annum. The schedules and schedule conditions so to be adopted shall provide further that on and after said first day of August, nineteen hundred and twenty, the annual increments in each and every schedule which has a fixed minimum compensation or salary and a maximum compensation or salary, shall be not less than one hundred dollars nor less than one-eighth of the difference between such minimum compensation or salary and that maximum compensation or salary to which a member of the supervising and teaching staff employed under such schedule shall be automatically carried. Nor shall the number of said annual increments in any schedule be less than eight.

§ 885. Salaries in cities of the second class. *On and after the first day of August, nineteen hundred and twenty, [T]he salaries*

and salary increments of members of the supervising and teaching staff in cities of the second class shall be not less than those prescribed in the following schedules:

A. ELEMENTARY SCHOOLS.

Schedule A-1. Teachers of kindergarten and first to eighth year classes: first year, [eight hundred] *one thousand one hundred* dollars; number of annual increments, not less than eight.

B. HIGH SCHOOLS.

Schedule B-1. Teachers: first year, one thousand *three hundred* dollars; number of annual increments, not less than eight.

§ 886. Salaries in cities of the third class. *On and after the first day of August, nineteen hundred and twenty, [T]the salaries and salary increments and the contracts for compensation of members of the supervising and teaching staff in cities of the third class and in union free school districts authorized by law to have superintendents of schools shall be not less, nor provide for less, than those prescribed in the following schedules:*

A. ELEMENTARY SCHOOLS.

Schedule A-1. Teachers of kindergarten and first to eighth year classes: first year, [seven hundred and twenty] *one thousand* dollars; number of annual increments, not less than eight.

B. HIGH SCHOOLS.

Schedule B-1. Teachers: first year, [eight hundred and forty] *one thousand one hundred and fifty* dollars; number of annual increments, not less than eight.

§ 4. Such article is hereby amended by inserting therein a new section to be known as section eight hundred and eighty-six-a and to read as follows:

§ 886-a. Schedules in certain cities in counties adjoining city of first class having population of over one million. In a city of the second or third class, in a county having a population of more than four hundred thousand, adjoining a city having a population of one million or more, the board of education shall adopt schedules and schedule conditions, to be effective on and after the first day of August, nineteen hundred and twenty, whereby the annual com-

pensation or salary paid to each member of the teaching and supervising staff in such city, except that of the superintendent of schools, shall be not more than three hundred dollars less than the annual compensation or salary paid to a member of the teaching and supervising staff under schedules and schedule conditions in force on and after the said first day of August, nineteen hundred and twenty, in a city having a population of more than one million, performing the same or similar services.

§ 5. Such article is hereby amended by inserting therein a new section, to be known as section eight hundred and eighty-six-b, and to read as follows:

§ 886-b. Salaries in union free school districts. On and after the first day of August, nineteen hundred and twenty, the salaries and salary increments and the contracts for compensation of members of the supervising and teaching staff in union free school districts having an academic department or high school approved by the commissioner of education, other than those provided for in the preceding section, shall be not less, nor provide for less, than those prescribed in the following schedules:

A. ELEMENTARY SCHOOLS.

Schedule A-1. Teachers of kindergarten and first to eighth year classes: first year, eight hundred dollars; number of annual increments, not less than eight.

B. HIGH SCHOOLS.

Schedule B-1. Teachers: first year, nine hundred dollars; number of annual increments, not less than eight.

§ 6. Section four hundred and ninety-one-a of such chapter, as added by chapter six hundred and forty-five of the laws of nineteen hundred and nineteen, is hereby amended to read as follows:

§ 491-a. Additional apportionment of school moneys. 1. In addition to any other apportionment or quota provided for in this article, to be applied to the payment of teachers' salaries, the commissioner of education shall apportion and pay annually, *at the same time and in the same manner as public school moneys are apportioned and paid under this article, or prior thereto in the discretion of the commissioner of education*, to each city school district and to each common or union free school district, **[for]** from moneys appropriated for the support of common schools,

[One hundred dollars] for each teacher employed in the school or schools of such district who shall have taught during the period required by law**[.]**, as follows:

(a) *In cities of the first class containing a population of over one million, six hundred dollars.*

(b) *In cities of the first class containing a population of less than one million; in cities of the second class containing a population, according to the federal census of nineteen hundred and twenty, of over one hundred and fifty thousand, and in cities of the second and third classes in a county adjoining a city having a population of over one million, which county has a population of over four hundred thousand, five hundred and fifty dollars.*

(c) *In other cities of the second class and in union free school districts wholly situated within such cities, four hundred and fifty dollars.*

(d) *In other cities of the third class and in union free school districts authorized by law to have superintendents of schools, three hundred and fifty dollars.*

(e) *In other union free school districts maintaining academic departments, three hundred dollars.*

(f) *In each other school district employing more than one teacher, two hundred and fifty dollars.*

(g) *In each other school district employing but one teacher and having an assessed valuation exceeding one hundred thousand dollars, two hundred dollars.*

(h) *In each other school district employing but one teacher and having an assessed valuation of one hundred thousand dollars or less, two hundred dollars, and in addition thereto the sum of two dollars for each entire thousand dollars that the assessed valuation of such district is less than one hundred thousand dollars.*

2. *The additional teachers' quotas herein provided for shall be apportioned subject to the following conditions:*

(a) *The schedules and schedule conditions required by article thirty-three-b of this chapter, as hereby amended, shall have been duly filed, and the salaries and salary increments of members of the teaching and supervising staffs of city and union free school districts shall be not less than those prescribed in such article and shall be fixed as therein provided.*

(b) *There shall be paid to each teacher in a city or union free school district on account of whom a teacher's quota is apportioned as herein provided, for the school year beginning August first,*

nineteen hundred and twenty, an amount equal to the quota so apportioned, in excess of the annual salary paid to such teacher in such city or union free school district under schedules or contracts in force during the school year of nineteen hundred and eighteen and nineteen hundred and nineteen. If, for sufficient cause shown to the satisfaction of the commissioner of education, the annual salary of a teacher in such city or union free school district shall have been increased in an amount less than that of such teacher's quota, the commissioner may apportion to such city or district on account of such teacher the whole or a portion of such quota.

(c) In case new positions are created and additional teachers are employed, or teachers are employed who are not on the teaching staff of a city or union free school district when this act takes effect, such teachers shall receive for the school year beginning August first, nineteen hundred and twenty, the salaries prescribed under the schedules and schedule conditions adopted as provided in article thirty-three-b of this chapter, as hereby amended, and in force and effect on and after August first, nineteen hundred and twenty.

(d) The additional teachers' quotas apportioned as herein provided shall be based on the number of teachers employed in each city, union free and common school district for the school year preceding the time when such apportionment is made.

(e) The commissioner of education may in his discretion withhold from a city or union free school district the whole or a portion of a teacher's quota to be apportioned as herein provided, for a failure on the part of a board of education to comply with the provisions of article thirty-three-b of this chapter, as amended, or with the provisions of this section, or for a refusal or failure to place such teacher in a position in the schedule or under such schedule conditions to which she is justly entitled.

3. The trustees or board of education in each school district, except a city school district, and a union free school district in which schedules of compensation or salaries are required to be filed as provided in article thirty-three-b of this chapter, shall **[increase the salary of]** pay to each teacher employed in such district **[at least one hundred dollars in advance of the salary paid the teacher employed at the time of the passage of this act]** a compensation or a salary which shall be not less than at the rate of eight hundred dollars for a school year of forty weeks. Such

minimum [increased] compensation or salary shall become effective for the school year beginning August first, [nineteen hundred and nineteen]nineteen hundred and twenty, and continue annually thereafter. If such teacher shall be paid at such rate for a school year of less than forty weeks, the quota apportioned to such district on account of such teacher as provided herein shall be reduced proportionately.

4. The apportionments of additional teachers' quotas provided for in this section are for the purpose of aiding city, union free and common school districts in paying the salaries of teachers as herein provided, and the sums so apportioned to such city, union free and common school districts shall be applied for such purpose and such sums shall not in any case be placed in the city treasury of any city to the credit of the general fund of such city for the reduction of taxation therein, notwithstanding any provision to the contrary contained in the charter of such city or in any act relating to such city or in any general, special or local act.

§ 7. Section four hundred and ninety-three of such chapter, as last amended by chapter two hundred and fourteen of the laws of nineteen hundred and fifteen, subdivision six of which was amended by chapter three hundred and sixty-eight of the laws of nineteen hundred and nineteen *and chapter one hundred and ninety-four of the laws of nineteen hundred twenty*, is hereby amended to read as follows:

§ 493. Apportionment of moneys appropriated to cities, academies, academic departments and school libraries. The commissioner of education shall apportion the money annually appropriated for the support of cities, academies, academic departments and school libraries in accordance with regulations established or to be established by him as follows:

To each city, union school district and non-sectarian academy [maintaining an academic department, a quota of one hundred] *two hundred dollars for each [such] year of academic [department] instruction maintained therein up to and including the fourth year of high school work.* This apportionment shall be known as the academic quota.

2. To each non-sectarian private academy an allowance equal to the amount raised from local sources but not to exceed two hundred fifty dollars annually for approved books, reproductions of standard works of art, and apparatus.

3. To each city an allowance equal to the amount raised from local sources but not to exceed eighteen dollars and two dollars additional for each duly licensed teacher employed therein for the legal term, and two hundred fifty dollars for each academic department maintained by it for approved books, reproductions of standard works of art and apparatus.

4. To each union free school district maintaining an academic department an allowance equal to the amount raised from local sources, but not to exceed two hundred sixty-eight dollars annually and two dollars additional for each teacher employed in said district for the legal term for approved books, reproductions or standard works of art and apparatus.

5. To all other school districts an allowance equal to the amount raised from local sources but not to exceed eighteen dollars annually and two dollars additional for each duly licensed teacher employed in said district for the legal term for approved books, reproductions of standard works of art, geographical maps, a globe and school apparatus.

6. To each city and union school district maintaining an academic department, **forty** fifty dollars per year for at least thirty-two weeks' instruction or a proportionate amount if for eight weeks or more for each nonresident pupil attending the academic departments of such school from districts not maintaining such academic departments and who shall be admitted to such academic departments without other expense for **tuition** instruction than that provided herein. But pupils residing in districts not maintaining a four-year curriculum may be included in this apportionment after having completed the course of study prescribed for the school in the district in which they reside. In the apportionment to cities and union school districts whose customary charge for nonresident pupils **is** was on May fifth, nineteen hundred and nineteen, greater than the sum provided by this subdivision, the commissioner of education may permit the sum so apportioned to be applied upon such customary charge for such nonresident pupils, provided the balance of such customary charge shall be assumed by the school district in which such nonresident pupil is resident, and the payment thereof shall have been provided for at a school district meeting held in such district or the said balance shall have been paid by the parents or guardians of such pupils to the proper officer of the city or district maintaining the high school or academic department

attend by such pupils. *Where a district is so situated that its academic pupils can be more conveniently instructed in the academic department of a school located in another state, the commissioner of education is hereby authorized to make the same apportionment to such district, annually, to be applied in payment of the tuition of each such academic pupil so instructed outside the state, as he shall be authorized by law to make for the instruction of academic pupils within the state, and upon the same conditions.*

7. After the payment of the allowance herein provided for the balance shall be divided among the several cities, school districts and academies maintaining academic departments on the basis of aggregate days' attendance of academic pupils therein.

8. The commissioner shall set aside at the beginning of the fiscal year a sum which in his opinion will be sufficient to pay the allowances for books and apparatus herein provided before making the other apportionments as directed by this article. The allowances for books and apparatus shall be apportioned and paid as often during each year as the commissioner may determine. All other apportionments above provided for shall be made so far as possible during the month of October each year on the basis of the reports of the previous year.

9. To entitle a city, academy, academic department or school library to an apportionment from this fund the school authorities having control must render a satisfactory report for the preceding year to the commissioner of education before the twentieth day of September in each year unless such neglect is excused by the commissioner for sufficient reason. They must also have complied with all regents' laws and ordinances during the preceding academic year.

§ 8. Out of the moneys appropriated by this act for the payment of teachers' quotas there shall be paid for the year beginning July first, nineteen hundred and twenty, to qualified teachers employed in the state education department as inspectors, specialists and examiners, performing duties and services relative to the inspection and supervision of public schools, and the preparation of questions for the review and the correction of examination papers presented by pupils of the public schools, in addition to the salaries payable to such inspectors, specialists and examiners for the year ending June thirty, nineteen hundred and twenty, an amount equal to twenty per centum of the salaries so paid for such year.

§ 9. The sum of twenty million five hundred and fifty thousand dollars (\$20,550,000), or so much thereof as may be necessary, is hereby appropriated to the commissioner of education for carrying out the provisions of this act, in addition to any other moneys appropriated for the support of common schools, or for other educational purposes.

§ 10. There shall be imposed for the fiscal year beginning July first, nineteen hundred and twenty, on each dollar of real and personal property of this state subject to taxation, a tax for the purposes hereinafter mentioned, which tax shall be assessed, levied and collected by the annual assessment and collection of taxes of that year in the manner prescribed by law, and shall be paid by the several county treasurers into the treasury of this state, to be held by the treasurer and to be applied to the purposes specified, that is to say:

For the support of common schools, including the payment of district and teachers' quotas, academic quotas, nonresident academic tuition, and aid in the payment of the salaries of teachers in the public schools of the state, to be apportioned as herein provided, one and one-half mills.

§ 11. This act shall take effect immediately.

(No. 118)

AN ACT to amend the election law, in relation to voting by absentees.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter twenty-two of the laws of nineteen hundred and nine, entitled "An act in relation to the elections, constituting chapter seventeen of the consolidated laws," is hereby amended by inserting therein, after article fifteen, a new article, to be article fifteen-a, to read as follows:

ARTICLE 15-A.

ABSENTEE VOTERS.

Section 523. Right of absentee voters to vote.

524. Application for ballots.

525. Determination of absentee voter's application for ballot; delivery of ballot.

- Section 526. Preparation of lists of candidates.
527. Preparation and printing of ballots; names of certain candidates to be printed.
528. Form of absentee voter's ballot.
529. Envelopes.
530. Method of voting.
531. Delivery of absentee voter's envelopes to the inspectors; canvass.
532. Objections to qualifications of absentee voter.
533. Judicial review of qualifications of voter.
534. Clerks' duties and ballot clerks' returns.
535. Duty of voter who is within the county on election day.
536. Ballot boxes to be provided where voting machines are used; canvass.
537. Preservation of envelopes and ballots.
538. Penalties.
539. General provisions concerning elections to apply.

§ 523. Right of absentee voters to vote. Subject to the provisions of this article, a qualified voter who, on the occurrence of any general election, may be unavoidably absent from the state or county of his residence on such day, because his duties, occupation or business requires him to be elsewhere within the United States, may vote, and his vote shall be canvassed in the manner hereinafter provided.

§ 524. Application for ballots. A qualified voter desiring to vote at a general election under the provisions of this article shall make, and shall mail or deliver to the board of elections of the county or city in which he resides, his affidavit setting forth as follows: his name and residence address, which shall include the name of the county and of the city, town or village, and the street or avenue and number, if any, or a brief description of the locality if his residence cannot be described by street or avenue and number; that he is a qualified voter of the election district in which he so resides; a statement that he expects to be unavoidably absent from the state or county of his residence on the day of the next general election because his duties, occupation or business require him to be elsewhere within the United States on such day; a brief description of his business or occupation, or of the duties, which require such absence; a statement of the special circumstances by

which such absence is required, unless such duties, occupation or business are of a nature to ordinarily require absence from the state or county or to ordinarily require traveling beyond the boundaries of the state or county, which shall include among others the following: employee in the operation of railroad trains, when the railroad or the run of such employee crosses the boundary of the county, commercial traveler, actor, and federal employee having an office or position outside of the county; a statement that the affiant applies in good faith for an absentee voter's ballot or set of ballots, as the case may be. The affidavit shall be subscribed by the voter if he is able to write, and if he is unable to write that fact must be stated in the affidavit. Authentication of the signature, authority and official character of the officer before whom the affidavit purports to have been taken shall not be necessary when the affidavit is taken within the state; nor when it is taken without the state before a notary public, with seal, if his seal be affixed.

§ 525. Determination of absentee voter's application for ballot; delivery of ballot. To entitle such an applicant to a determination by the board of elections of his right to receive an absentee voter's ballot or ballots, the application must be received by the board not later than the seventeenth day before the general election. An application received after that time shall not be considered. Upon the due receipt of any such application, the board shall first examine the register to ascertain whether the applicant is duly registered for such election in the election district containing his residence, as stated in his affidavit. If the election district be one in which registration is required to be personal, the board shall compare the signature, if any, on the register with that of the applicant, on his affidavit. Before delivering any absentee voter's ballot, in compliance with the application, the board shall determine whether the applicant has been duly registered and also whether he is a legally qualified voter. In determining the latter fact, the board may have the assistance of the state superintendent of elections or a deputy assigned by such superintendent for the purpose. If such superintendent or deputy shall file with the board of elections his affidavit that he did visit and inspect the premises claimed by the applicant as his residence, and he interrogated an inmate, house-dweller, keeper, caretaker, owner, proprietor or landlord thereof or therein as to the said applicant's residence therein or thereat, and that the said affiant was informed by one or more

of such persons, naming them, that they were acquainted with and knew the persons residing therein or thereat and that the applicant did not reside at said premises thirty days before the election, such affidavit shall be sufficient authority for a determination by the board that the applicant is not entitled to an absentee voter's ballot. Except in the case of the occupations specifically enumerated in the preceding section, the board shall also determine whether the duties, occupation or business of the applicant, as set forth in his affidavit, are of a nature to ordinarily require absence from the state or county or to ordinarily require traveling beyond the boundaries of the state or county, and shall determine, if they are found to be not of such a nature, whether the special circumstances, as set forth in the affidavit, are sufficient. If it be found that the applicant is duly registered in the election district containing his residence, as stated in his affidavit, and if the board shall also determine that he is a qualified voter and that his affidavit is sufficient, it shall deliver to the applicant, in the manner hereinafter provided, one absentee voter's ballot or set of ballots, the envelope therefor and a list, provided for in this article, of certain candidates for public office. Such ballot or set of ballots, envelope and list shall be delivered at the office of the board of elections to the applicant in person or, if he shall have so requested, to a member of his family, except that if the applicant shall have so requested, the board shall mail such ballot or set of ballots, envelope and list to the applicant at any address in the United States designated by him. The ballot or ballots, envelope and list, for an absentee voter, shall be ready for delivery at such office, or shall be mailed, promptly after the ballots shall have been printed and the board has determined the right of the voter to obtain the ballot or ballots.

§ 526. Preparation of lists of candidates. The board of elections of each county, and of the city of New York, at least seventeen days before any general election, shall cause to be printed, for the use of absentee voters residing in any assembly district within the county or such city, a list of all nominated candidates, so far as known, for offices to be filled at such election in any political subdivision within the county or city, except offices as to which the names of nominated candidates are required by this article to be printed upon an absentee voter's ballot. The list provided for by this section shall contain the names, places of

residence and business of the respective candidates, together with the titles of the offices for which and the names of the parties or independent bodies by which they were nominated, respectively; also the number of persons to be elected to each office. In the city of New York and in any county containing more than one assembly district, the list shall be classified by assembly districts. If any political subdivision shall be located partly in each of two or more assembly districts, the names of the candidates for election in such political subdivision shall be printed in connection with the names of candidates within each such assembly district; and in such case there shall be a note or memorandum showing the election districts within the assembly district whose voters are entitled to vote for such candidates.

§ 527. Preparation and printing of ballots; names of certain candidates to be printed. At least seventeen days before a general election, the board of elections of each county, and of the city of New York, shall cause to be prepared and printed as many official ballots for absentee voters as it may deem necessary. Ballots shall be so prepared and printed for absentee voters residing in each assembly district in the county or such city and shall contain the names of all nominated candidates, so far as known, to be voted for by all the voters of such assembly district; and where a city is wholly within an assembly district, or an assembly district is partly within and partly outside of a city, if there are any city officers to be elected who may be voted for by all the voters of the city, separate ballots shall be prepared and printed for absentee voters of such assembly district residing within and outside of the city, respectively, in such manner that the ballots for voters residing within the city shall contain the names of all nominated candidates, so far as known, to be voted for by all the voters of such district and of such city.

§ 528. Form of absentee voter's ballot. The names of candidates whose names are required by the foregoing section to appear upon the ballot shall be printed in appropriate sections, with titles of offices, section numbers, emblems, voting squares, names of parties and political organizations and blank spaces for writing in names of candidates, as provided for the regular official ballots. Following such matter, in as many columns as may be necessary, there shall be printed the titles, as near as may be, of all offices to be filled at such election, except offices as to which the names of nominated candidates are required by the foregoing section to be

printed. The offices shall be classified by appropriate descriptions, such as ward or town offices, using appropriate descriptions for other classes, if any. The title of each class shall be printed above the titles of offices in such class. Below the titles of each such office shall be a space or spaces for writing in the name or names of the person or persons for whom the voter desires to vote. Approximately, one-half inch shall be allowed for the title of each class of offices and one-half inch space for the title of an office and writing in the name of a person as the voter's choice for such office. Except as to the spacing, such offices and titles shall be printed substantially as follows:

WARD OFFICES.

For supervisor of the ward of the city of
(name of city to be printed if there is a separate ballot for any
city officers)

.....

For alderman of the ward of the city of
(name of the city to be printed if there is a separate ballot for any
city officers)

.....

TOWN OFFICES.

For supervisor of the town of (name of town to be written or
stamped in by the board)

.....

For justice of the peace, town of (name of town to be written
or stamped in by the board)

.....

Before delivering or mailing the ballot to the voter, the board of elections shall complete the description of the office by writing or stamping in the name of the proper town, or number of the ward, or otherwise.

At the head of the ballot shall be printed the following instructions:

“ 1. To vote for a candidate whose name is printed on this ballot, make a single X mark in a blank square to the right of an emblem opposite his name.

“ 2. To vote for a candidate whose name is NOT printed on this ballot write his name on a blank line under the names of candi-

dates, or under the title of the office if the names of any candidates for that office are not printed. In such case, consult the list of candidates to see how many persons are to be elected to such office.

“ 3. Mark only with a pencil having black lead.

“ 4. Any other mark or any erasure on this ballot is unlawful.”

When electors of president and vice-president of the United States are to be elected, a separate ballot therefor, in the same form as the ballot for such officers to be voted by other voters, shall be prepared at least seventeen days before the election for such absentee voters.

If at any general election any proposed amendment or amendments to the constitution or any proposition or question is to be submitted to the vote of all of the voters of the state, the board of elections shall cause to be prepared, at least seventeen days before the election, such number of ballots as it may deem necessary for absentee voters in the form prescribed by section three hundred and thirty-two of this chapter.

On the back of any ballot prepared pursuant to this section shall be printed the words “ Official Ballot, Absentee Voters,” followed by a word or words generally descriptive of the ballot, such as “ General Officers,” “ Presidential Electors,” “ Constitutional Amendments and Propositions.”

§ 529. Envelopes. The board of elections also shall provide envelopes, to a sufficient number, for absentee voter’s ballots. On one side of such envelope shall be printed the following:

“ Official Ballot, Absentee Voter
for

General Election, November 19....

Name of voter
Residence (street and number, if any)
County of
..... assembly district (if the county contain more than one)
City (or town) of
Ward Election district
.....

Signature Absentee Voter.”

The date of the election, name of the county, number of assembly district, if any, and name of a city, if there be a separate ballot for city voters, shall be printed, and the name of voter, residence,

name of town, number of ward and election district shall be written or stamped in by the board of elections.

On the reverse side of such envelope shall be printed the following oath:

OATH OF ABSENTEE VOTER.

I do swear (or affirm) that I will have been a citizen of the United States for ninety days and will be at least twenty-one years of age on the day of, nineteen hundred and, being the date of the next general election; that I will have been an inhabitant of the state of New York for one year next preceding the election and for four months preceding such election a resident of the county of and am a qualified voter residing at (street and number, if any), in the city or town of; that I will be unavoidably absent from the state or county of my residence because of duties, occupation or business which requires me to be elsewhere in the United States on the day of election; that I have not qualified nor do I intend to vote elsewhere than as set forth on the reverse side of this envelope and that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing, as a compensation or reward for the giving or withholding of a vote at this election, and have not made any promise to influence the giving or withholding of any such vote; and that I have not made or become directly or indirectly interested in any bet or wager depending upon the result of this election; and that I have not been convicted of bribery or any infamous crime, or, if so convicted, that I have been pardoned and restored to all the rights of a citizen. .

.....

Voter must sign here, and notary public, or other officer authorized by law to administer an oath, must administer and attest oath.

Subscribed and sworn to before me, this day of (here insert the date) at

.....

Notary Public.

County of, State of

The envelope provided for in this section shall be gummed, ready for sealing, and in addition to the foregoing matters the board of elections shall cause to be printed thereon, on the side opposite the oath, instructions as to the duties of the voter after the marking of the ballot, which instructions shall include a specific direction as to the time within which the envelope must reach the office of the board of elections in order that his vote may be canvassed.

§ 530. Method of voting. The absentee voter, at any place within or without the state, but within the United States, may mark an official ballot, provided for in this article, as follows: Where the office for which the voter desires and is lawfully entitled to vote for a person is one under whose title the names of any candidates are printed, he may vote for such person in the manner prescribed by section three hundred and fifty-eight. To vote for a person or persons for any other office, if he is lawfully entitled to vote for a person for that office, the voter may write in the blank space beneath the title of the office the name or names of the person or persons for whom he desires to vote, not exceeding the number to be elected to that office. He shall also fill the necessary blank spaces to complete the title of the office, if the board of elections has omitted to do so. After marking the ballot, he shall fold it and inclose it in the envelope and seal the same. He shall make no mark or writing whatsoever upon the ballot, except as above prescribed, and shall see that it bears no such mark or writing. He shall make no mark or writing whatsoever on the outside of the ballot. Where two or more kinds of ballots are voted, they shall all be so inclosed in the envelope. He shall then take and subscribe the oath on the envelope, with blanks properly filled in. The envelope, containing the ballot or ballots, shall then be mailed or delivered to the board of elections of the county or city of his residence.

§ 531. Delivery of absentee voters' envelopes to the inspectors; canvass. The board of elections shall cause all such envelopes which are actually received not later than twelve o'clock noon on the Friday before the election to be marked with the day and hour of the receipt thereof and assorted according to election districts. Such envelope shall be delivered unopened to the boards of inspectors of the proper election districts with the other ballots and supplies for such election, at the time and in the manner provided in section three hundred and forty-three.

Immediately after the closing of the polls, and before preparing for the canvass pursuant to article ten, the inspectors of election in each election district where any absentee voters' envelopes are received, shall examine such envelopes and registers. In election districts where registration is required to be personal, they shall compare the signature, if any, on each envelope with the signature, if any, on the register, of the person of the same name who registered from the same address. If the signatures are found to correspond, an entry to that effect shall be made in the proper column of the register, as though the voter voted in person, as provided in section three hundred and fifty-five. In any election district, if an inspector shall know or suspect that the person whose signature is on any such envelope is not a qualified voter in such election district or was within the county on the day of election while the polls were open, and not entitled to vote the ballot or ballots, it shall be his duty to object to the opening of the envelope and to the casting of the ballot or ballots contained therein. If a person whose signature is on any such envelope has already voted in person at the election in such election district, or if his name and residence, as stated on the envelope, is not on the register, his envelope shall be laid aside unopened and be returned unopened to the board of elections, with the other returns of the election. If such person has not so voted in person, and appears to be registered, and if no objection be made, or if an objection be made and not sustained as provided in the next section, the envelope shall be opened and the ballot or ballots withdrawn and deposited unopened in the proper box or boxes. At the time of the deposit of an absentee voter's ballot or ballots, the words "absentee vote" shall be written in the poll-book, or poll-book section of the register, opposite the name of the voter, in the "remarks" column, in lieu of entries as to ballot numbers. The ballots so deposited shall be canvassed at the same time and in the same manner as provided for the canvass of other ballots.

§ 532. Objections to qualifications of absentee voter. After the close of the polls, an inspector or any other person present in the polling place may object to the voting of the ballot or ballots contained in any envelope upon the ground or grounds that the person whose signature is upon such envelope is not a qualified voter in such election district or was within the county while the polls were open and not entitled to cast such ballot or ballots.

The board shall proceed forthwith to determine such objection and may take proof thereon. Unless the board, by majority vote, shall sustain the objection, the chairman, or if he refuse, another inspector shall endorse upon the envelope the objection and the words "not sustained," and shall sign such endorsement, and the envelope shall thereupon be opened and the ballot or ballots deposited as provided in this article as though no objection had been made thereto. Should the board, by majority vote, sustain such objection, the objection and the word "sustained" shall be similarly endorsed upon the envelope, and the envelope shall not be opened nor the ballots therein canvassed. Such envelope shall be returned unopened to the board of elections with the other returns of the election.

§ 533. Judicial review of qualifications of voter. A person whose ballot or ballots shall be rejected as provided in the preceding section, or any candidate whose name lawfully appears upon any such ballot, may apply to the supreme court forthwith or within twenty days after the election for an order to determine the question raised by the objections made thereto. The court shall prescribe what and to whom notice of such application shall be given. If the court shall reverse the decision of the board of inspectors thereon, it shall direct the counting and canvass of such ballots. The order therefor shall provide that the envelope containing such ballots and any others in the same election district similarly circumstanced shall be opened, the ballots therein cast and counted as though no objection had been made thereto, and the canvass in such election district shall be corrected accordingly. Boards of inspectors of election districts and boards of canvassers shall continue in office for the purposes of such proceedings.

§ 534. Clerks' duties and ballot clerks' returns. When an envelope shall be opened for the purpose of removing and casting the ballot or ballots therein, if one or more of the different kinds of ballots to be voted at the election are not found therein, a memorandum showing the kind of each ballot missing shall be made by the ballot clerks, or general clerks acting as ballot clerks, and the total number of each kind missing shall be ascertained before the preparation of the ballot clerks' returns. The ballots and stubs referred to in the form contained in section three hundred and thirty-six shall be deemed to mean only the regular ballots supplied for the use of voters who vote in person. A

separate form of ballot clerks' return, applying only to absentee voters' ballots of each kind, shall be provided by the board of elections. Such return shall show, in the following order, the number of envelopes received, the number of envelopes unopened and the number of envelopes opened. Below the number of envelopes opened shall be stated the number of ballots, of the kind for which the return is made, which were not found in the envelopes opened. Provision shall be made for the deduction of such missing ballots from the number of envelopes opened, and the remainder shall be stated as the number of ballots remaining to be accounted for in the ballot box. The affidavit of the clerks, to follow such statement, shall be only to the effect that the "foregoing is a correct return of the absentee voters' envelopes and ballots delivered to us for this election."

In preparing for the canvass, by comparing the number of ballots found in each box with the number shown by the ballot clerks' returns to have been deposited therein, as provided in section three hundred and sixty-seven, the number of ballots remaining to be accounted for in the ballot box, as shown by the ballot clerks' returns, shall be determined by adding together the number so stated in the ballot clerks' return of regular ballots and their return of absentee voters' ballots.

§ 535. Duty of voter who is within the county on election day. If a voter who shall have mailed or delivered an absentee voter's ballot to the board of elections is within the county of his residence on the day of his election, at any time between the opening and closing of the polls, he shall immediately notify or make diligent effort to notify the inspectors of election of the election district in which he resides of the fact of his presence in the county.

§ 536. Ballot boxes to be provided where voting machines are used; canvass. In election districts where voting machines are used, a ballot box or boxes shall be provided by the proper authorities for the reception of absentee voters' ballots deposited pursuant to this article. In such districts, such ballots shall be canvassed in the same manner, so far as practicable, that ballots are canvassed in other election districts, so far as consistent with this article, and the votes counted for a person, upon such canvass, shall be added to those cast for such person according to the machine and shall be included in the returns.

§ 537. Preservation of envelopes and ballots. It shall be the duty of the board of inspectors to preserve all envelopes containing the oaths of absentee voters and deliver the same to the board of elections at the time of delivery of the ballot boxes. Such envelopes shall be held by the board of elections for a period of two years after election. Such envelopes shall at all times be open to public inspection.

§ 538. Penalties. Any person who shall make or cause to be made any material false statement in connection with his application to vote as an absentee voter, or who shall vote or attempt to vote, under the provisions of this article, by fraudulently signing the name of another upon any envelope provided for in this article, or who, not being a qualified voter and having knowledge or being chargeable with knowledge of that fact, shall attempt to vote under this article, and any person who shall do or attempt to do, or aid in doing or attempting to do, a fraudulent act in connection with any vote cast or to be cast or attempted to be cast under the provisions of this article, shall be guilty of a felony, and upon conviction shall be punishable by imprisonment for not less than one year nor more than five years.

An officer or other person who intentionally opens an absentee voter's envelope or examines the contents after the receipt of the envelope by the board of elections and before the close of the polls at the election shall be guilty of a misdemeanor.

§ 539. General provisions concerning elections to apply. All provisions of this chapter, as far as applicable and not inconsistent with the provisions of this article, shall apply to the taking of the votes of absentee voters under this article.

§ 2. This act shall take effect immediately.

(No. 19)

Amend Assembly bill printed number 1858, as follows:

Strike out the title and insert the following:

AN ACT making provision for issuing bonds to the amount of not to exceed fifty million dollars for the payment of a bonus to persons who served in the military or naval service of the United States at any time between the sixth day of April, nineteen hundred and seventeen, and the eleventh day of November, nineteen hundred and eighteen, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and twenty.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Strike out sections one to seven, both inclusive, and insert the following:

Section 1. Bond issue authorized. There shall be issued, in the manner and at the times hereinafter recited, bonds of the state in an amount not to exceed fifty million dollars, which bonds shall be sold by the state and the proceeds thereof paid into the state treasury, and so much thereof as may be necessary expended for the payment of a bonus to persons who served in the military or naval service of the United States, at any time between the sixth day of April, nineteen hundred and seventeen and the eleventh day of November, nineteen hundred and eighteen, as hereinafter provided. Such bonds when issued shall be exempt from taxation.

§ 2. Sale; interest. The comptroller is hereby directed to cause to be prepared the bonds of this state to an amount not to exceed forty-five million dollars, such bonds to bear interest at the rate of not to exceed five per centum per annum, which interest shall be payable semi-annually in the city of New York. Such bonds, or the portion thereof at any time issued, shall be made payable in twenty-five equal annual instalments, the first of which shall be payable one year from the date of issue, and the last of which shall be payable twenty-six years from the date of issue. The comptroller is hereby charged with the duty of sell-

ing such bonds at not less than par to the highest bidder after advertising for a period of twenty consecutive days, Sundays excepted, in at least two daily newspapers printed in the city of New York and one in the city of Albany. Advertisements shall contain a provision to the effect that the comptroller, in his discretion, may reject any or all bids made in pursuance of such advertisements, and in the event of such rejection, the comptroller is authorized to readvertise for bids in the form and manner above described as many times as in his judgment may be necessary to effect a satisfactory sale.

§ 3. Commission to distribute proceeds. The proceeds of such bonds, after appropriation or appropriations therefrom by the legislature, shall be distributed by a special commission created by the legislature for such purpose, to the persons entitled thereto, under the provisions of this act, on application within a time to be prescribed by the legislature.

§ 4. Disability fund. The legislature shall provide by law for the establishment and administration of a fund to be used for the amelioration of the condition of residents of this state who are suffering disability incurred in the military or naval service of the United States at any time between the sixth day of April, nineteen hundred and seventeen, and the date when they were honorably separated or discharged from such service, and shall authorize any person who so desires to assign to such fund the bonus to which he is entitled under this act.

§ 5. Bonuses to certain persons who were in the service of the United States in the war with the German empire and its allies. Every person, male or female, who was enlisted, inducted, warranted or commissioned, and who served honorably in active duty in the military or naval service of the United States at any time between the sixth day of April, nineteen hundred and seventeen, and the eleventh day of November, nineteen hundred and eighteen, for a period longer than two months, and who at the time of entering into such service was a resident of the state of New York, and is a resident at the time this act takes effect, and who was honorably separated or discharged from such service, or who is still in active service, or has been retired, or has been furloughed to a reserve, shall be entitled to receive from the proceeds of such bonds as a bonus the sum of ten dollars for each month or major fraction thereof that such person was in active service, of not exceeding a total of two hundred and fifty dollars. No person shall be entitled to such payment or allowance who at the time of

being separated or discharged from such service, or at the time of being retired or furloughed to a reserve, or at the time of his death in the service, was an officer in the army or marine corps above the grade of captain, or in the navy above the grade of lieutenant, senior grade. No person shall be entitled to such payment or allowance who being in the military or naval service of the United States subsequent to the sixth day of April, nineteen hundred and seventeen, refused on conscientious, political or other grounds to subject himself to military discipline or to render unqualified service, or whose only service was in the students army training corps, or who received from another state a bonus or gratuity of a like nature provided for by this act. The husband or wife, child, mother, father, brother and sister in the order named and none other, of any deceased person, male or female, who was enlisted, inducted, warranted or commissioned, and who served honorably in active duty in the military or naval service of the United States, as provided in this section, shall be paid the sum or allowance that such deceased persons would be entitled hereunder if such deceased persons had lived.

§ 6. Payment exempt from taxation and execution. All payments or allowances made under this act shall be exempt from all taxation, and from levy and sale on execution.

§ 7. Submission of law to people. This law shall not take effect until it shall at a general election have been submitted to the people and have received a majority of all the votes cast for and against it at such election; and the same shall be submitted to the people of this state at the general election to be held in November, nineteen hundred and twenty. The ballots to be furnished for the use of the voters upon the submission of this law shall be in the form prescribed by the election law and the proposition or question to be submitted shall be printed thereon in substantially the following form, namely: "Shall chapter (here insert the number of the chapter) of the laws of nineteen hundred and twenty, entitled 'An act making provision for issuing bonds to the amount of not to exceed fifty million dollars for the payment of a bonus to persons who served in the military or naval service of the United States at any time between the sixth day of April, nineteen hundred and seventeen, and the eleventh day of November, nineteen hundred and eighteen, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and twenty,' be approved?"

APPENDIX II

EXTRAORDINARY SESSION

EXTRAORDINARY SESSION

ASSEMBLY CHAMBER IN THE CITY OF ALBANY

MONDAY, SEPTEMBER 20, 1920

Pursuant to proclamation of the Governor the Assembly convened in the Assembly Chamber in the city of Albany, and was called to order by the Speaker at whose direction the following proclamation was read:

PROCLAMATION

STATE OF NEW YORK — EXECUTIVE CHAMBER

Pursuant to the power vested in me by section four of article four of the Constitution, I hereby convene the Legislature in extraordinary session at the Capitol in the City of Albany on Monday, the twentieth day of September, nineteen hundred and twenty, at half-past eight o'clock postmeridian.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twelfth day of
[L. s.] August, in the year of our Lord one thousand nine hundred and twenty.

ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Prayer was offered by Rev. Creighton R. Storey.

Mr. Adler offered for the consideration of the House a resolution, in the words following:

Resolved, That a committee of two be appointed by the Speaker to wait upon the Governor and inform him that the Assembly is organized in extraordinary session and ready to proceed to business.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker appointed as such committee Messrs. Adler and Donohue.

Mr. Machold offered for the consideration of the House a resolution, in the words following:

Resolved, That a committee of two be appointed by the Speaker to wait upon the Senate and inform that Honorable Body that the Assembly is organized in extraordinary session and ready to proceed to business.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker appointed as such committee Messrs. Machold and McCue.

Senators G. L. Thompson and McGarry, a committee from the Senate, appeared and announced that the Senate was organized in extraordinary session and ready to proceed to business.

Mr. Adler, from the committee appointed to wait upon the Governor and inform him that the Assembly was organized in extraordinary session and ready to proceed to business, reported that they had performed that duty.

Mr. Machold, from the committee appointed to wait upon the Senate and inform that Honorable Body that the Assembly was organized in extraordinary session and ready to proceed to business, reported that they had performed that duty.

Mr. Cuvillier announced the death of Hon. John Damico of the 19th District of Kings and offered for the consideration of the House a resolution, in the words following:

Resolved, That when the House adjourns this day it adjourn in respect to the memory of Hon. John Damico of Kings.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative by a unanimous rising vote.

A message from the Governor, by the hand of his Secretary, was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,

ALBANY, September 20, 1920.

To the Legislature:

I have exercised the power vested in me by the Constitution to call the Legislature into Extraordinary Session because I am convinced that an emergency confronts the State, and because I feel

that we cannot wait until the regular session to find remedies for its relief.

In the period of reconstruction, many problems have been pressing for solution which are not ordinary in their nature, but are the direct result of war conditions. None of them has so taxed the agencies of government as the question of proper housing facilities.

In January of 1919, I charged the Reconstruction Commission with the duty of making an exhaustive inquiry into this subject to the end that the legislative and executive branches of the Government might be in a position to deal with this problem, which even at that time promised to be acute. Your Honorable Bodies, believing that facts should be produced upon which to predicate remedial legislation, appointed a Committee from both houses of the Legislature, to investigate the subject. This Committee reported at the last session of the Legislature and several legislative proposals arising from their report were enacted into law. It was admitted at the time that they were expedients intended to alleviate the situation temporarily. As we understand legislation, they were entirely regulatory. Two vital objects were overlooked; one, the encouragement of building construction, and second, the adoption of a State policy looking to the future study and development by the State of this all important question of adequate housing facilities.

Experience of several months has revealed to us the weaknesses of the temporary expedients and had made more acute the necessity for encouragement of building operations so far as it can be done by law, and the creation of State agencies for future use.

We, therefore, at this session, as I see it, have three distinct branches of the subject with which to deal.

First, the strengthening of the temporary statutes enacted at the recent session.

Our temporary laws of last spring have fallen far short of what was expected of them and selfishness and greed on the part of not a few landlords has brought about an indescribable condition in the Municipal Courts in New York City. I am informed by the President of the Board of Justices of the Municipal Court that there are pending for October first, more notices of dispossession pro-

ceedings than were filed during the whole year of 1919 — approximately 100,000. The court rooms have been crowded beyond their capacity by tenants seeking relief. These figures of themselves cannot communicate the harassing uncertainty and the misery caused by the constant repetition of these proceedings. It has been publicly stated by the Health Commissioner of the City of New York that this condition of uncertainty is alone a direct menace to the health and welfare of the community. The housing shortage leaves the citizen nowhere to turn. Families have been broken up and dispersed generally through the city, or crowded and huddled into the homes of relatives until the health, welfare and morality of the community is seriously threatened.

It seems a very great pity that the decent, honest landlord should be obliged to come under a regulation clearly not intended for him, but made necessary by the willful and deliberate profiteer, who would turn this great crisis in our State's history to his personal advantage. The people, to some degree at least, have managed to protect themselves from other forms of profiteering, but they are helpless to deal with this one, because a home everyone must have. Have in mind that no regulatory legislation, properly drafted, will have any disastrous effect upon an honest man. It has been my experience that only those who seek to live outside of the moral law have any great fear of State regulation. The State has a conscience and it will regulate fairly.

Inasmuch as regulation must be exercised through the agency of our courts, it is to existing statutes or the enactment of new ones supplementing them that we must turn our attention.

Landlords have been given the special privilege of summary proceedings in order to regain immediate possession of their premises. This privilege does not belong to any landlord as a matter of inherent right. Inasmuch as the evidence laid before us indicates that summary proceedings are being grievously abused, in a crisis of this kind, the State does only its duty when it withdraws or modifies them.

There is an abundance of evidence that undesirability or failure to pay rent is not in the majority of instances the basis of the application for the writ of summary removal, but on the other hand, it is the operation of the profiteer who would remove

the desirable and paying tenant in order to create a vacancy which may thereafter be offered to the highest bidder. As a result of this, families have been shifted from place to place without rhyme or reason and the unscrupulous and selfish have profited immensely by it. October first was to be the height of the harvest. The State should step in and use its power to disappoint them.

I believe the emergency to be such that the strong arm of the State must reach through its courts and protect the people for at least one year, until the crisis shall have passed or the situation is relieved. The courts should be empowered where it is evident that the dispossession is requested for the purpose of unreasonable rent-raising, to suspend the dispossession remedy for an adequate period. You might well hold that the courts shall have the power to suspend rent increases and place the burden of proof upon the landlord to show the necessity for the increase or any part of it. No honest man can suffer from such legislation. The court will undoubtedly give its approval to increases that can be justified.

Inasmuch as the personnel of your committee remains the same, I have no doubt that they will be in a position to suggest to you other specific amendments to the existing so-called rent laws; and that they will strengthen them where experience has proven them to be weak.

The second phase of the question before us is how to stimulate building construction. Figures gathered from the most authentic sources indicate that the State is years behind its normal housing accommodations. Between June 1, 1919 and July 1, 1920, in the City of New York, 3,652 individual apartments designed for the same number of families were constructed, but as an offset to that new construction there were demolished or converted for non-residential uses 3,833 apartments, leaving 271 less homes at the end of that period, although the question has been constantly before the public for a year and a half.

The housing shortage is felt not alone in the City of New York but all cities in the State are passing through the same difficulty. In New York City at least 50,000 homes are immediately necessary. It should therefore be your chief objective during the Extraordinary Session to encourage, so far as that can be done by law, the building of houses.

The commercial and economic supremacy of the State is threatened by this shortage. No community can expect to achieve an industrial growth if it is unable to house its working population properly. Labor shortage can be frequently attributed to improper housing accommodations. It is only human for a man to want to live where he can rear his family in decency and comfort. If some other State offers him that opportunity, it comes into sharp competition with our own State, and good housing is therefore a necessity for the promotion of commerce and industry.

The question of stimulating building growth becomes a very practical one because of the fact that the cost of building operations has trebled since 1915. Building at this time is considered an unprofitable field and money will not enter it, nor can it be forced into it by law, but we may be able to offer an inducement to capital to come back into the field and building may be resumed in a natural way if the State can find some way to offset the increased costs.

A very vital element in the carrying cost of a newly constructed building is the taxation to which it is subject. While I do not, as a matter of policy, favor tax exemptions, the emergency is such at the present time that it might be well to consider the enactment of a law exempting from taxation for a period of years, with proper restrictions, buildings used for dwelling purposes whose construction is undertaken within such a period as will assure an immediate increase in housing accommodations. I believe this will aid in putting new construction on a fair competitive basis with buildings erected before the war and will assist in creating a market for new buildings.

Much has been said about the exemption of mortgages from the provisions of the State Income Tax. The State's Tax is very small and we can give no guarantee of federal legislation along the same line. I, therefore, do not place much faith in this suggestion as offering any great remedy. However, your Legislative Committee is in possession of more facts on this subject than I can lay before you.

Loaning institutions apparently have not kept in step with the times and have spent their energy in securing investments bring-

ing a larger return than real estate mortgages. For instance, our Savings Banks and Mutual Insurance Companies are organized not for profit but as depositaries for the people's money, and it would be entirely in keeping with their purpose if their funds were made available to a greater extent to meet the people's needs, by investing a larger portion of them in bond and mortgage.

In 1914, there was created by statute a State Land Bank having for its purpose assistance to building and loan associations. Inasmuch as the proceeds from the sale of the bonds of the Land Bank are used for the building of homes, the State should do everything that it possibly can to make the bonds a more desirable purchase. We have already exempted them from the provisions of the State Income Tax but the abnormal yield at this time from other securities is such as to make them an undesirable investment. It might be well that the State use its own moneys or a portion thereof now in the various sinking funds of the State to purchase these bonds. It might also enable municipalities of the State to invest in such bonds.

These recommendations are made in the hope that the legislation which they suggest will bring voluntary capital into the building market. That, of course, remains to be seen. If the present condition be not thus relieved and the health of the community continues to be menaced, then we have a grave public emergency to meet such as would confront us in a time of epidemic or of catastrophe. Clothed with the proper safeguards the Police power of the State should be extended to municipalities in order that they may be enabled either to build or lend their credit to the building of houses.

Undoubtedly, the State as well as the municipalities should be in a position to extend its credit either through the medium of the State Land Bank or a specially created agency.

There is one avenue of possible direct State aid in an emergency which might be applied at once. The State apparently owns considerable property that was either acquired by escheat or was bought in at tax sales. It might be well to direct the Comptroller either to arrange favorable short term leases or dispose of the property, if it is to be used for housing at such prices as will encourage its development.

It has been called to my attention by the report of the Reconstruction Commission and by hearings held before the Joint Legislative Committee and by private citizens, that the high cost of building materials is artificially stimulated. No doubt, one very vital aid to construction would be the elimination of any combinations to increase the prices of building materials. Investigation of this situation by an agency of your own creation is, to my mind, highly desirable.

We come now to the third consideration — provision for a permanent housing policy.

The existing accommodations are far from the standards of adequacy that a normal family has the right to expect. I was conscious that the State was facing a problem of housing, both from the fundamental point of view, and from that of the shortage in the supply, when I asked the Reconstruction Commission to study and to suggest a permanent policy for the State in this regard.

The evils of bad housing are only too apparent in New York city — but my study and experience here have shown me that an inadequate standard of housing exists in nearly every city and town in the State. The Tenement House Law has some measure of beneficent effect, but in the smaller communities investigation shows that housing is without even elementary supervision as to safety and sanitation.

Nor is the situation of such recent growth as is popularly supposed. Since we passed the Tenement House Law of twenty years ago, nothing constructive has been done. We rested with that achievement and every attempt to aid in developing a solution for other communities has met with failure.

Any attempts to amend the present Tenement House Law are likely to be viewed with alarm and suspicion if they are aimed at detailed and specific sections of the law. It is, however, probable that the law can be made to fit present conditions if it is applied with greater elasticity. I would, therefore, recommend as an aid to the construction of multi-family homes, that there be created for the tenement house department a board of appeals similar to or identical with the one at present functioning for the building department in the city of New York. If such

a board is constituted, deviations from the letter of the law, which make possible new methods of construction, can be carefully considered by such a board and the law be less hampering in its effect.

Building houses for some groups in the population has become an unprofitable business. Hence, these groups have for a generation lived in the left-over housing, or in the cheapest and most poorly-planned type of home that a grudging and unrealizing community would provide. As a result of the present emergency, a still larger portion of our population is being forced back into houses of a standard below that which we have accepted as decent American homes.

Except for the report of the Reconstruction Commission and the findings of your own committee, we have been aided by no State agency in the consideration of this very important problem. In the enactment of labor laws, we are guided by the Industrial Commission. In the enactment of health measures, by the State Health Department. In matters affecting the conservation of our natural resources, by the Conservation Commission. The Banking Department, the Insurance Department, and other State agencies all deal with special subjects that need executive or legislative action. But in housing, dealing with the elementary need of shelter and establishing homes, there is no State or local agency to aid the legislative and executive branches of the government either in meeting an emergency, or what is more important, in helping to establish a permanent housing policy for the State. Such a policy does not necessarily mean the building of houses by the State, but it does mean the establishment of housing standards and of local development that should underlie any future growth of the cities of this State.

Granted that Your Honourable Bodies will enact measures to meet the emergency, it is important that you recognize the challenge which these insufferable conditions raise, to establish agencies for providing an enlightened and constantly developing housing policy for the future.

To this end I recommend a law which will create in each community having a population of over ten thousand a local housing board, which shall be charged with the duty of finding a solution

for the local housing situation. These local boards should be required to prepare within a period to be determined by the local authorities a plan for the future development of the city and should consider local housing ordinances. A State agency should be created and the local Boards should be required to report to it at stated intervals so that there may be available at all times a body of information applicable to this subject.

The State agency, on the other hand, should first of all be directed to report to the next Legislature on a method for the development of a system of State credits for housing purposes. Through the State agency information should be made available to Local Communities that will aid them in their housing program.

These agencies, both State and Local, should be unpaid, but so far as the State agency is concerned, adequate appropriation for its expenses should be made.

This is the time for action. We are confronted with a real problem of reconstruction. Shall we remain in the dark ages of inadequate and un-American housing, endangering the health and morals of future generations of our citizenship? Or shall we go forward with the times, and enter the new era of our democracy with an enlightened interest in the fundamental needs of our cities and our citizenship for well-planned communities that serve the industrial, commercial and social needs of the people, and homes that make for a stabilized, self-respecting, wholesome family life.

If this is accomplished, the sufferings caused by the housing crisis will not be without their compensation. The permanent fruits of this emergency should be written on the record which this State has made for progressive laws affecting human needs. It takes a serious emergency to bring a realization of deficiencies. The opportunity is yours to remedy them.

(Signed) ALFRED E. SMITH.

A message from the Governor, by the hand of his Secretary, was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER

To the Legislature:

In my annual message to the Legislature, dated January 7, 1920, I called attention to the fact that whereas under chapter 240 of the Laws of 1914 the Public Service Commission might suspend increased rates by common carriers pending hearings, the law as it now stands permits other public service corporations, including telegraph and telephone companies, steam, gas and electric companies, to increase their rates by filing a tariff to that effect upon notice of thirty days, and the higher rates may then be collected pending hearings before the Public Service Commission to determine their reasonableness. I recommended an amendment to the statute placing all public service corporations on the same footing as common carriers, in order that the Commission might suspend the enforcement of the higher rate pending a hearing.

This change in the statute has been recommended by the Public Service Commission for a number of years and I now renew my recommendation as made in my annual message dated January 7, 1920.

(Signed) ALFRED E. SMITH.

A message from the Governor, by the hand of his Secretary, was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER

September 20, 1920.

To the Legislature:

I respectfully call your attention to the following resolution this day adopted by the Convention to consider and adopt rules in relation to Civil Practice, which Convention was authorized by chapter 902 of the Laws of 1920:

Whereas, The Civil Practice Act, Surrogate's Court Act, Justice Court Act, Court of Claims Act, and other civil practice provisions contained in the Consolidated Laws and rules of procedure to be adopted by this Convention will become effective April 15, 1921, and no official analytical subject or section index has been prepared for such acts and rules of procedure, and

Whereas, It is of vital importance that before said acts and rules of procedure finally become effective there be provided by the State such official analytical subject and section index of said acts and rules of procedure together with tables of distribution and annotations of the derivation of the section or sections,

NOW, THEREFORE, BE IT RESOLVED, That this Convention assembled does hereby petition His Excellency Alfred E. Smith, Governor of the State of New York, to recommend by message to the extraordinary session of the Legislature about to be convened the passage of an Act providing for the preparation of an official analytical subject and section index of the Civil Practice Act, Surrogate's Court Act, Justice Court Act, Court of Claims Act, and other civil practice provisions contained in the Consolidated Laws and Rules of Procedure adopted by this Convention, and also the preparation of tables of distribution and annotations of the derivation of sections or parts of sections.

I recommend to your Honorable Bodies that legislation be enacted as suggested in the foregoing resolution.

(Signed) ALFRED E. SMITH.

A message from the Governor, by the hand of his Secretary, was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, September 20, 1920.

To the Legislature:

I am transmitting herewith copy of a letter received by me from the Mayor of Greater New York; also copy of resolutions adopted by the Board of Estimate and Apportionment of that City. I request that they be read and recommend that the Greater New York Charter be so amended as to give to the City the power to carry out the suggestions contained in the resolutions adopted by the Board of Estimate and Apportionment.

(Signed) ALFRED E. SMITH.

BOARD OF ESTIMATE AND APPORTIONMENT

CITY OF NEW YORK

(Cal. No. 2)

Whereas, Continuous, safe and cheap transportation is absolutely necessary to the people of the City of New York and to secure this the City built the present subway lines and invested a quarter of a billion dollars of the people's money; and

Whereas, There is now an intolerable situation existing in the Borough of Brooklyn, the Borough of Richmond, the Borough of Queens and other parts of the city due to the closing down of certain lines and strikes of employees; and

Whereas, The shutting down of the transit lines in the Borough of Brooklyn has resulted in great hardship, inconvenience and suffering to the traveling public and tends to a serious disruption of the business of the entire city; and

Whereas, The Supreme Court of the State has issued injunctions restraining the city from operating buses and has further stayed the Board of Estimate and Apportionment from appropriating a million dollars to purchase modern, up-to-date, well-ventilated and commodious passenger automobile vehicles; and

Whereas, Adequate transportation is as essential to the life of the people as is water which is being provided by the city; and

Whereas, The city is prepared to furnish adequate transportation facilities if the Legislature will give the City full and ample power;

THEREFORE, BE IT RESOLVED, That the Board of Estimate and Apportionment petition the Governor to request the Legislature at its special session on September 20, 1920, to enact such legislation as is necessary to make more definite and certain the City's right to appropriate money for the purchase of buses and the municipal operation of same; and

BE IT FURTHER RESOLVED, That the "pay-as-you-go" law be amended to exempt all bonds issued for the purchase of buses and the construction of garages; and

BE IT FURTHER RESOLVED, That a committee of the Board of Estimate and Apportionment be appointed to present these resolutions to his Excellency, the Governor of the State of New York.

A true copy of resolution adopted by the board of estimate and apportionment, August 31, 1920.

(Signed) JOSEPH HAAG,
Secretary.

CITY OF NEW YORK

OFFICE OF THE MAYOR

June 12, 1920.

HON. ALFRED E. SMITH, *Governor of the State of New York,*
Albany, New York:

MY DEAR GOVERNOR.—The Court of Appeals today handed down a decision affecting the municipal motor bus operations in the Borough of Brooklyn, City of New York. It decided the matter on a very narrow ground and left unstated what the precise power of the City of New York is in the premises either as a matter of claimed emergency power or as a matter of power under the Home Rule Act.

The practical effect of the decision, however, is to stop the operation of these motor bus routes in Brooklyn without, however, actually adopting the ground for doing so as stated by the Appellate Division. This produces an intolerable and calamitous condition in the transit situation of the City. The realization of this result is mirrored in the action of the Appellate Division staying the operation of their own orders enjoining operation of the buses until the Court of Appeals was afforded an opportunity to act in the litigation.

The motor bus routes in question were installed primarily to subserve the convenience, comfort and interests of the traveling public. The immediate call for municipal activity was due to a disregard by the traction companies of their franchise obligations to the public. They completely abandoned in Brooklyn the operation of one through car service

(Sixteenth Avenue Line) except a short stub end of the line, which, prior to its abandonment, was a heavily patronized line and left the people formerly using it without any means of transit to and from their homes and places of business other than the already disgracefully overcrowded lines, threading the territory formerly served by the abandoned line. They did this with an added motive. The practical effect of the deprivation of its through facilities was that added fare charges became necessary to travel from the points formerly served by this abandoned line either in the form of transfer charges or new added full fare charges on the lines of other companies.

A further condition that constituted the immediate necessity for installing these motor bus lines was the action of one of the companies which resulted in great public disorder, because of its exacting a second fare on Flatbush Avenue in disregard of an authorized decision which held that it had no legal right to exact such a second fare. Its action resulted in outrageous assaults upon passengers, (followed by criminal convictions of railroad employees) the diverting of loaded cars to dead tracks and leaving the passengers who refused to pay the second fare upon cars thus stalled, and otherwise riding roughshod over the rights of the traveling public legally entitled by contracts to through service for a five cent fare on that line. These conditions followed an overcrowding of all the lines in Brooklyn to a point characterized by impartial observers as an "intense" overloading and causing highly brutalizing congestion of people upon its cars, especially outraging the decencies of life so far as women were concerned.

The foregoing followed upon an increasing of the congestion of the traveling public due to the installation on August 1, 1919 of 970 new transfer charge points on the surface lines in Brooklyn, and a separation on October 19, 1919 of about 60% of the surface line facilities from the former B. R. T. system. This increased congestion came about by reason of passengers re-routing themselves to avoid or keep at a minimum the number of new and added five-cent fares or

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two-cent transfer charges to be met with in traveling to and from their homes and places of business.

Throughout the greater city there has been a duplication of these conditions. First, that of abandoned lines and breaches of contract obligation by the companies involved, Second, increasing of congestion of traffic due to the unscrambling of former systems into constituent companies. Third, the adding of all this to previously existing intense overloading. Fourth, no attempt on the part of the companies to keep pace with the increase of population in the matter of adding to the number of cars operated. This has been true particularly in the Boroughs of Manhattan and Richmond where companies have completely abandoned operation of lines in whole or in part.

All of these conditions were co-existent with demands for increased fares. The lack of justification has been demonstrated by investigations into the operations and finances of the various companies. And it has been further revealed by the operation of these motor bus lines that the people served by them can be furnished with adequate transportation on a five-cent fare basis with reasonable profit.

The dislocation and disturbance of transit conditions that will result from a complete suspension of motor bus facilities now in operation in the City of New York, is evidenced by the number of people using them. It is estimated that almost 400,000 passengers use these bus lines daily as a matter of necessity.

The need for immediate action arising because of the vast number of people whose rights and convenience are affected is revealed by the number of users and the multitudinous demands for the continuance of these motor bus lines made upon the officials of the City of New York by delegations from all parts of the city affected and through the medium of innumerable communications from similar sources, but for the further reason that conditions tending to public disorder and actually resulting in public disorder cannot be permitted to again spring into being.

Making grants of franchises to private operators in an endeavor to procure adequate and proper transit facilities through privately owned companies exercising these franchises has been a failure.

That method of solving the problem, present and past experience demonstrates to be insufficient. Attempting to use that method of solving the problem results in the undesirable division of responsibility between State officials and city officials. The problem is exclusively a local one. It concerns exclusively the local people and the local officials whom they elected to serve them and whom as a practical fact they hold responsible.

I have studied the transit situation in this city and in the course thereof have found that the greatest obstacle in the way of proper transit facilities in this city has been due to the franchises which have been held by corporations destitute of any desire or intention to perform their contract obligations to furnish adequate service to the people from whom they have received their grants in the City of New York. After careful thought I have come to the conclusion that the only effective way to proceed in the future development of transit in this city is to proceed along municipal ownership and operation of lines, particularly of motor bus lines.

With all these facts brought specifically to its attention, it is unthinkable that the Legislature will withhold the needed power in the municipality to prevent a recurrence of the foregoing conditions that the stopping of the bus lines will give rise to.

I am constrained, therefore, to call upon you to end the doubt as to the city's power and to convene the Legislature at the earliest time possible under the Constitution and request it to enact a specific statute authorizing the City of New York to municipally own and operate motor bus lines generally in such parts of the city as there is necessity therefor.

Yours respectfully,

(Signed) JOHN F. HYLAN,
Mayor.

A message from the Governor by the hand of his Secretary was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER

To the Legislature:

By chapter 342, Laws of 1916, a commission consisting of the Governor, Lieutenant-Governor, Attorney-General, Comptroller

and State Engineer and Surveyor to negotiate with the proper authorities of the United States for the transfer of title or the surrender of the possession and use to the United States, upon the payment of such compensation as may be agreed upon, of the quarantine establishment of this State, with full power to execute and deliver to the United States deeds or other instruments to effectuate such transfer or surrender, was duly appointed.

By concurrent resolutions of the Senate and Assembly adopted on February 15, 1917, reciting that said commission had formally offered to transfer the said quarantine establishment to the United States, upon the payment by the Federal government to the State of New York of the sum of one million three hundred and ninety-five thousand two hundred and seventy-five dollars (\$1,395,275), the Legislature urged the Senators and representatives in Congress from this State to use their utmost efforts to obtain the passage of an appropriation by Congress of said sum of \$1,395,275.

The Congress delayed during the period of the late World War making such appropriation but by the Sundry Civil Bill for the fiscal year 1921 (Public No. 246, 66th Congress, H. R. 13, 870) there was appropriated to the Treasury Department "for the acquisition by purchase from the State of New York, of the property known as the New York Quarantine Station, \$1,395,275."

It appears that the said sum so agreed upon was intended to include all the furniture and equipment in connection with said station valued at about \$84,275. The Act of 1916, however, does not expressly authorize the transfer of such furniture and equipment.

I, therefore, recommend to your honorable bodies a suitable amendment to chapter 342 of the Laws of 1916 as will expressly authorize the transfer of such furniture and equipment in connection with the transfer of said station.

(Signed) ALFRED E. SMITH.

A message from the Governor, by the hand of his Secretary, was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *September 20, 1920.**To the Legislature:*

I am in receipt of a letter from the Honorable Eugene M. Travis, State Comptroller, of which the following is a copy:

“September 20, 1920.

HON. ALFRED E. SMITH, *Governor, State of New York,
Executive Chamber, Albany, N. Y.:*

MY DEAR GOVERNOR.— I respectfully call your attention to the enclosed bill amending section 14 of the State Finance Law, and would urge that you submit it to the extra session of the Legislature with the recommendation that it be passed for the following reasons:

Under the law, as it now stands, the Comptroller can only issue temporary notes, in anticipation of the sale of bonds, at a rate of interest not to exceed 5 per cent. This amendment authorizes these notes to be issued at the least rate obtainable. The funds derived from the sale of Barge Canal Terminal and Highway bonds have become exhausted, and for several months it has been necessary to finance the estimates payable on contracts in force from the proceeds of temporary loans issued in anticipation of the sale of long term bonds authorized by the referendums. Over \$4,000,000 of such loans have been taken by the sinking and trust funds of the State, as authorized by law, but all of the cash in these funds has now been borrowed and it will be necessary for the Comptroller to sell these notes in the open market to provide the necessary money to meet these payments.

The best judgment of prominent financiers is that it would be impossible for the State to sell long term bonds at par at 4½ per cent under the present condition of the money market and that it would be for the best interests of the State that short term notes be sold until such time as the permanent bonds can be disposed of.

As it would be impossible to sell these short term notes

to bear 5 per cent interest, the rate now authorized by law, it is important that this amendment be passed at this session of the Legislature.

Very truly yours,

EUGENE M. TRAVIS,

Comptroller.

By J. A. WENDELL,

Deputy Comptroller.

I recommend that section 14 of the State Finance Law be amended to permit the sale of temporary notes at the lowest rate of interest obtainable, as suggested by the Comptroller in the foregoing communication.

(Signed) ALFRED E. SMITH.

A message from the Governor, by the hand of his Secretary, was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *September 20, 1920.*

To the Legislature:

My attention has been called to a grave situation in relation to the care and treatment of veterans of the World War who have become mentally disabled. There are eight hundred and forty-five ex-service men and women, suffering from mental disorders, being cared for in State institutions. Their average age is under twenty-five, and in most cases they are suffering from the early stages of the disease; whereas the age of the average other patient in the State hospitals is above fifty-five years, and in most cases the disease is chronic.

These disabled men and women of the World War cannot receive the proper treatment under the present system. They should be segregated into one institution at the earliest possible moment, in which event, I am informed, a great majority of them may be cured.

The following communication received by me from R. G.

Cholmeley Jones, Director of the Bureau of War Risk Insurance of the United States government, explains the situation in detail, viz.:

“TREASURY DEPARTMENT

WASHINGTON, August 19, 1920.

HONORABLE ALFRED E. SMITH, *Governor of the State of New York, Albany, New York:*

MY DEAR GOVERNOR. — In the Government's program for the care and treatment of its disabled veterans of the World War, much difficulty has been experienced in the securing of adequate hospital facilities. This has made it necessary for the Government to send a very large number of the sick and disabled men to private, state and county hospitals and sanatoriums.

At the present time there are about nineteen thousand disabled ex-service men and women scattered in more than a thousand hospitals throughout the United States. In New York, for instance, there were on August 1st, reported 1,850 disabled men and women in 147 hospitals. This scattering of patients in such a large number of hospitals and sanatoriums makes proper Governmental supervision of their treatment and cure most unsatisfactory not only to the Government but to the patients themselves.

The problem of the care of the mentally sick veterans has proven particularly complex and difficult, and in many localities it has been found impossible to secure hospital facilities of proper construction under medical administration in conformity with the best type of modern practice.

In New York State, for example, on August 1st there were reported 845 ex-service men and women suffering from mental disorders who were being cared for in 39 hospitals and sanatoriums, including State institutions. The Government is expending at the present time about \$400,000 for the care of approximately 443 patients in New York State hospitals annually. At this same rate were all the ex-service men suffering from mental and nervous disorders in New York State cared for by New York State hospitals, the

Government would be expending for such cases more than \$770,000 annually.

The situation as regards the care and treatment of these mental patients of the World War affects very much the World War veterans of New York State — not because the rate of insanity is higher in New York State than in other States, but because of the very large quota of troops furnished by New York State in the recent war.

It is the bounden duty of the Government so to prepare itself at the earliest possible moment that it may properly care for the mentally diseased veterans of the World War in special psychiatric hospitals. This task must be approached with a profound regard for the rights of the disabled soldier and his relatives. In the State of New York the hospitals for the insane are not charitable institutions in the strict sense of the word, yet they are so regarded by many relatives of the ex-service men, and on this account there is a little reluctance to make use of them.

Of far greater importance, however, is the fact that medically and socially the insane ex-service man presents problems far different from those for which the great institutions of your state were created and are maintained. The average age of the ex-service men in the New York State hospitals is under twenty-five years while, I am informed, the average of the other patients is above fifty-five years. The ex-service insane man is in the early stages of the disease, and therefore has a greater opportunity for recovery under suitable treatment. The civilian patients, on the other hand, in the New York State hospitals represent very largely the terminal stages of insanity. Buildings, methods of treatment, recreation, and occupation which are suitable for the treatment of the somewhat elderly and more chronic patients, are obviously not equally well adapted for young ex-soldiers.

The Government of the United States is without adequate hospital facilities in the State of New York for the reception and care of its insane beneficiaries in their State. A considerable time would of necessity elapse before the Govern-

ment could construct such facilities even though it were considered wise to do so and the appropriations had been made by Congress and were now available. It therefore becomes necessary for the Government to seek the assistance of the State of New York. To this end I would invite your consideration to a plan calculated to meet the immediate emergency, at the same time making adequate provisions for the future care and treatment of the civilian patients of New York State, since in the interim the Government would have sufficient opportunity for developing its facilities for the care and treatment of the sick and disabled veterans.

If the State of New York would immediately undertake the completion of the Marcy Division of the Utica State Hospital so that it could receive these beneficiaries at a per diem rate to be agreed upon by the Government of the United States and the State of New York, the immediate problem would be greatly simplified.

I would recommend that an appropriation be secured from the Legislature of the State of New York during its forthcoming special session for the construction and equipment of a thousand-bed hospital for the insane to be located at a strategic point, and to be erected and outfitted in accordance with the best views of modern psychiatrists. Further, that the Governor be authorized to enter into a contract with the United States whereby the Government shall take over and operate this institution under lease for a term of years contingent upon Congressional appropriations.

In this way, the institution would be gradually paying for itself, the rentals constituting a credit in the Treasury of the State and upon the relinquishment of the property by the Government, the State would be in possession of a modern institution at little or no cost, which would be an excellent addition to the already admirable system of State hospitals at a time when, in all human probability, there would be a great need for such an institution by the State.

I sincerely hope you will regard this proposal as sufficiently practical to include it in your message to the special

session of the State Legislature, in order that the matter may be given consideration at the earliest practical moment.

If it meets with your approval, and at such time as is convenient to you, the Surgeon General of the United States Public Health Service and I will be very glad indeed to call upon you in order that all of the important details may be gone into very thoroughly.

Sincerely yours,

R. G. CHOLMELEY-JONES,

Director."

I, therefore, recommend an appropriation for the construction and equipment of an additional hospital to take care of these disabled veterans of the World War, and also recommend the enactment of legislation authorizing the Governor to enter into a contract with the United States Government to take over and operate such hospital.

(Signed) ALFRED E. SMITH.

A message from the Governor, by the hand of his Secretary, was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *September 20, 1920.*

To the Legislature:

I am in receipt today, of the following letter from the City Attorney of the City of Watertown:

"WATERTOWN, N. Y., *September 20, 1920.*

HON. ALFRED E. SMITH, *Governor, Albany, New York.*

DEAR GOVERNOR.—A very extraordinary situation has arisen in the City of Watertown owing to the looseness of the legislation providing for the change to a Commission Form of government.

In my opinion the assessment now proceeding for taxes next year, is void, for certain defects which I need not specify, many of which defects have arisen, as I believe,

from attempt to do too much in the Commission Form of government act. It is possible that these defects might have been avoided if the former Council and the Commission had appreciated the magnitude of the task that confronted them when they began; but that was not in the nature of things.

Under these circumstances it seems to me to be the duty of the Executive and the Legislature, in view of the special meeting of the Legislature, to permit this error to be corrected by the passage of a special act.

While Watertown is a small city, the emergency is just as great as if it were for one of the largest cities in the State, and if a similar situation arose in one of the larger cities I have no doubt you would call a special session of the Legislature for the purpose of meeting that, even if you had nothing else.

Some of the consequences for not passing a special act at the special session, you will pardon me for pointing out.

Besides being without money to carry on the government or adequate statutory provision for temporarily providing for their needs while a new assessment is being made pursuant to a special act passed in January, great difficulties would arise in relation to the equalization of taxes in the County and the collection of the State taxes from the City.

Appreciating these facts, the City Council of Watertown has authorized me to prepare and urge the passage of this special act.

I trust under these circumstances you will see your way clear to send an emergency message to the Legislature asking the desired relief for the City.

With great respect, I am,

Sincerely yours,

HAROLD L. HOOKER,

City Attorney of the City of Watertown."

In view of this serious situation, and upon the request of the City Council and the City Attorney of the City of Watertown, I recommend to your Honorable Bodies that legislation be enacted

to remedy the defects now existing, and to provide for the preparation of a valid assessment roll for the City of Watertown for the coming year.

(Signed) ALFRED E. SMITH.

A message from the Governor, by the hand of his Secretary, was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, September 20, 1920.

To the Legislature:

The board of managers of the New York State Reformatory for Women at Bedford have experienced considerable difficulty in the management of that institution.

It is certified to me that it is difficult to get competent employees for the management of the institution at the salaries now fixed by law.

I, therefore, recommend that the salary of the superintendent, of the psychiatrist, of the chief clerk, and the salaries of the matrons, be increased in order that there may be attracted to these positions the talent and ability required for the efficient management of the institution.

(Signed) ALFRED E. SMITH.

A message from the Governor, by the hand of his Secretary, was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, September 20, 1920.

To the Legislature:

I am in receipt of a letter from the President of the Board of Education of the City of New York, the Superintendent of Schools, and the Corporation Counsel of the City of New York, in relation to the construction of schools for school purposes, a copy of which is as follows:

“September 20, 1920.

To the Governor:

“There is an acute situation with respect to the number of school sittings in the city of New York. There has been

congestion for a number of years which resulted in the adoption of what is called the 'part time' system of schooling, and as a supplementary measure the adoption of what is called the 'double session' plan. Both of these plans, 'part time,' and 'double session,' mean that one school sitting must accommodate two children.

"There are at present in our schools 86,277 children on part time. There are also over 140,000 children on the double session plan. Approximately it would take 50 buildings, housing 2,000 children each, to remedy the situation, and at a cost of \$50,000,000.

"The unprecedented registration of this Fall of over 18,638 increase is a sign of a greater congestion in the future if this emergency is not recognized.

"Moreover, the passage of the continuation school law of 1919 (Chapter 531 of the Laws of 1919) makes it mandatory on the part of the city of New York to provide accommodations for 200,000 employed children within the next few years.

"The buildings for the accommodation of these children must be begun at once if the provisions of that statute are to be complied with by the City. Building operations of a magnitude sufficient to cope with this situation cannot be undertaken unless the restrictions imposed by the 'pay as you go' policy are removed.

(Signed) ANNING S. PRALL,
President Board of Education.

(Signed) WILLIAM L. ETTINGER,
*Superintendent of Schools, City and
School Districts of New York.*

(Signed) JOHN P. O'BRIEN,
Corporation Counsel."

I recommend an amendment to the Greater New York Charter that will except the erection of school buildings and the acquisition of sites for the same from the provisions of Subdivision 9 of Section 169 of the Greater New York Charter.

I also call your attention to a recommendation of the Corporation Counsel of the City of New York, asking for an amendment to Subdivision 8 of Section 188 of the Greater New York Charter, and recommend that such an amendment be passed:

To the Governor:

September 20, 1920.

"At the first session of the Legislature of 1920, by the provisions of Chapter 729 of the Laws of 1920, subdivision 8, Section 188 of the Greater New York Charter was amended so as to provide that, in the year 1920, \$7,000,000 of special revenue bonds might be issued to provide for the payment of expenses authorized by the concurrent vote of all of the members of the Board of Estimate and three-fourths of all of the members of the Board of Aldermen. The \$5,000,000 thus authorized in addition to the regular Charter provision was thought sufficient to meet and provide for the payment of all the additional expenses made necessary by the increased cost of living and supplies due to the war. Since that bill has taken effect it has been found that the amount authorized is far too little to meet the extraordinary expenses which have become necessary for the balance of the year 1920 in the administration of the various departments of the City of New York. So that, out of the aforesaid conditions, there are deficits confronting the municipal administration of the various departments, which, if not supplied at once, will result in a condition where some of the departments may cease to function. This will create a deplorable situation, particularly in the Ambulance Service, which must have an additional \$30,000; the Child Welfare Department which must have \$450,000; the Health Department which lacks \$171,189; the Bellevue and Allied Hospitals which need \$149,731; the Fire Department which needs \$96,000; the Public Welfare Department which needs \$202,500, and the Street Cleaning Department which must have \$1,015,000. These are a few of the largest and most pressing needs which must be met before the close of 1920.

"Added to the foregoing demands are the care of highways and public places and various unforeseen expenses in the office of the Borough Presidents, which will consume amounts at the present time unknown but which will amount in the aggregate to a large sum of money.

"These expenses are due to the increased cost of materials and supplies, and are to a considerable extent due to legislation passed at the 1919 session of the Legislature. They were unknown and unforeseen when such legislation was passed and when the amendment to subdivision 8, Section 188 of the Greater New York Charter was adopted by the present session of the Legislature. Otherwise a sufficient sum would have been set forth in the aforesaid amendment of 1920.

"In the light of the information in the hands of the Finance Department at the time of the amendment of 1920 to Section 188 of the Greater New York Charter was adopted by the present Legislature, the \$5,000,000 increase was considered ample to meet all demands, but that sum has now been used up and another \$5,000,000 very nearly consumed in necessary expenses, and extraordinary expenditures for the coming year.

"Hence on account of the emergency now existing, it is asked that a further amendment to subdivision 8, Section 188 of the Greater New York Charter be passed by the Extraordinary Session of the Legislature, authorizing for the year 1920 the amount of \$12,000,000 to provide for the payment of expenses to be authorized by the unanimous action of the Board of Estimate and concurred in by three-fourths of all of the members of the Board of Aldermen.

(Signed) JOHN P. O'BRIEN,
*Corporation Counsel of the
City of New York."*

(Signed) ALFRED E. SMITH,
Governor.

Mr. R. H. Gillett offered for the consideration of the House a privileged resolution, in the words following:

Whereas, Louis Waldman in the 8th District, August Claessens in the 17th District, Manhattan, Samuel A. DeWitt, 3rd District, Samuel Orr, 4th District, borough of Bronx, and Charles Solomon, 23rd District, borough of Brooklyn, were elected members of Assembly of the State of New York, for the year nineteen hundred and twenty; and

Whereas, The said Louis Waldman, August Claessens, Charles Solomon, Samuel A. DeWitt and Samuel Orr, on January 27, 1920, immediately after the organization of Assembly for the session of 1920, a resolution was adopted by a vote of 140 ayes to 6 noes, denying the said Louis Waldman, August Claessens, Samuel A. DeWitt, Samuel Orr and Charles Solomon to seats in the Assembly pending an investigation of the qualifications and eligibility of the five persons above named to seats in the Assembly; and

Whereas, The committee on judiciary of the Assembly, after an investigation extending over a period of seven weeks as to the qualifications and eligibility of Louis Waldman, August Claessens, Samuel DeWitt, Samuel Orr and Charles Solomon to seats in the Assembly, who were represented by able counsel, and the accused having taken the witness stand on their own behalf and called many witnesses in their defense, and the committee on judiciary after due deliberation recommended in its report to the Assembly, that Louis Waldman, August Claessens, Samuel DeWitt, Samuel Orr and Charles Solomon, are and each of them is disloyal to the United States of America and to the State of New York, and violated their oath of office, for which disloyalty and violation of oath of office, and each of them is ineligible and disqualified to occupy seats in the Assembly of the State of New York as members thereof; and said report was adopted by the Assembly by a majority vote thereof; and the said Louis Waldman, August Claessens, Samuel DeWitt, Samuel Orr and Charles Solomon were denied seats in said Assembly; and

Whereas, Governor Smith, by proclamation as provided by the Constitution of the State of New York, called the Legislature in extraordinary session to convene on the 20th day of September, 1920; and by a further proclamation as empowered by Public Officers Law, called for the election to fill the vacancies in the Assembly in the 8th and 17th Districts in the borough of Manhattan, 3rd and 4th Districts in the borough of the Bronx, and the 23rd District in the borough of Brooklyn; and

Whereas, The Socialist Party designated Louis Waldman in the 8th District, August Claessens in the 17th District, borough of Manhattan, Samuel A. DeWitt in the 3rd District, and Samuel Orr in the 4th District, borough of Bronx, and Charles Solomon, in the 23rd District, borough of Brooklyn, as the Socialist candidates for members of Assembly at said special election held on the 16th day of September, 1920, the said Louis Waldman, 8th District, August Claessens, 17th District, borough of Manhattan, Samuel A. DeWitt, 3rd District and Samuel Orr, 4th District, borough of Bronx and Charles Solomon, 23rd District, borough of Brooklyn, were elected members of Assembly of the State of New York; and

Whereas, By article III, section 2 of the Constitution of the State of New York provides: "The Assembly shall consist of 150 members which shall be chosen for one year," article III, section 10 of the Constitution, provides "Each House shall determine the rules of its own proceedings and be the judge of the election returns and qualifications of its own members;" and

Whereas, Louis Waldman, August Claessens, Samuel A. De Witt, Samuel Orr and Charles Solomon, by reason of their disloyalty to the United States of America and the State of New York, and their violation of their oath of office, their election to the Assembly on the 16th day of September, 1920, is null and void, and they are, and each of them is, ineligible to seats in the Assembly of the State of New York.

Resolved, That Louis Waldman, August Claessens, Samuel A. DeWitt, Samuel Orr and Charles Solomon be and they are, and each of them is, excluded from the extraordinary session of the Legislature called in obedience to the proclamation of the Governor to be convened in the city of Albany, State of New York, on the 20th day of September, 1920; and be it further

Resolved, That the office of Assemblyman in the 8th and 17th Districts, borough of Manhattan, the 3rd and 4th Districts, borough of Bronx, and the 23rd District, borough of Brooklyn, are declared vacant.

On motion of Mr. Adler, said resolution was referred to the committee on the judiciary.

Mr. Speaker addressed the House as follows:

Fellow Members.—At the opening of the regular session of this year I directed your attention to certain facts with relation to the qualifications of five members of this Assembly who had

been elected upon the Socialist ticket. The proceedings following that statement attained a position of commanding importance, because of the investigation as to their fitness to participate in the deliberations of this body.

Their fitness to make laws for this commonwealth was challenged, because it was charged that they were avowed members and supporters of an organization whose purposes, as declared in its then constitution and written statement of principles, were hostile to the government, even to its overthrow by force, violence and unlawful means.

The Assembly, to the everlasting credit of its members, declared that if the purpose of any group or organization of individuals is to overthrow organized government by force, violence or unlawful means, those individuals thus banded together cannot gain immunity by calling themselves a political party.

After a thorough examination of the constitution, platform, and written declaration of principles of the Socialist Party of America, you found those purposes to be essentially disloyal and aimed at the overthrow of the government by force, and unlawful means and *not* by lawful parliamentary action; and that the five men, because of membership in that organization were unfitted in fact and truth to participate in the functions of a government to destroy which they were banded together.

Of necessity, by that decision, and for the purposes of the extraordinary session now opening, the findings thus made should control, unless in the meantime the constitution, platforms and declarations of that organization which furnished the essential proof of the unfitness of its members to sit in the Legislature, have been so radically and fundamentally changed as to meet the objections and satisfy the conditions found to be essential, as formulated in the report of the Judiciary Committee and approved by the Assembly.

The five men whose qualifications were investigated by you at that time and who as the result of such investigation were excluded as members of this body have been re-elected at the Special Election called by the Governor to fill the vacancies caused by your action, and it now becomes the duty of this body to determine whether anything has transpired since their original

exclusion to purge them of their disqualifications. Inasmuch as the information upon which you originally acted was presented in the first instance to you by me, I deem it proper that I should call to your attention at this time, so that you may be as fully informed on the subject as I am, what the Socialist Party of America and the organization in this State have done in an apparent effort to eliminate that which by your earlier action was branded as essentially disqualifying.

Following your action at the regular session radical and fundamental changes have been made in the constitution and platform of that organization, changes which would not have been made if the truth had not been revealed in the Assembly investigation, and the compelling force of your conclusions had not been so irresistible.

I purpose to call your attention briefly to some of the most vital matters concerning which the Socialist Party of America, by the action of its own conventions, national and state, and the referendum vote of its own members, has changed, with a studied intent to eliminate from their outward public declarations of purpose and from the written law of their organization the features which were found by the Assembly to be in defiance of the Constitutions of the United States and of the State of New York, and a call for the revolutionary overthrow of our existing government.

Let the truth now appear for the sake of history, and to the honor of the Assembly of the State of New York. Out of the mouths of the Socialists themselves and by their own apparent surrender, has come the most abundant and lasting proof of the wisdom and soundness of your action.

It is a matter of common knowledge that in May, 1920, following the expulsion of the five socialist members-elect, the national convention of that so-called party was held in the City of New York, in which the Socialists in the State of New York participated. A platform and various resolutions were adopted, and changes in the national constitution were proposed by the convention, and on the referendum vote all of the recommendations of the national convention concerning such changes were approved by a considerable majority of the members of that organization throughout the United States.

First.—Section 6 of the national constitution of the Socialist Party, before it was amended, provided as follows:

“Any member of the socialist party elected to an office who shall in any way vote to appropriate moneys for military or naval purposes or war, shall be expelled from the Party.

That section was adopted as part of their national constitution, upon a referendum submitted to the membership of the party in 1915, immediately following the sinking of the *Lusitania*. That mandate of the party compelled any member of the party sitting in the Assembly to disobey Sections 1 and 3 of Article XI of the Constitution of this State which provide for the organization and maintenance of the State militia, with a force at all times of not less than ten thousand enlisted men, fully uniformed, armed, equipped, disciplined, and ready for active service, and which make it the duty of the legislature, at each session, to make sufficient appropriation for the maintenance thereof.

Each of the five ousted members had pledged himself in writing to obey the national constitution of his party. To keep that pledge he had to violate the mandate of the Constitution of the State of New York to maintain our militia for the common defense, and in the legislatures of 1917, 1918 and 1919, the Socialist members voted against all appropriations for the maintenance of the militia.

This section of the socialist national constitution furnished one of the grounds for the expulsion of the five members.

Willingly or otherwise, voluntarily or through the compulsion which your findings put in operation, the national convention held in May, 1920, voted to strike out that section from the Party Constitution, and by the majority vote of the members on a referendum following the convention, that clause has been stricken out.

Second.—At the national convention of the socialist party held in St. Louis in April, 1917, a declaration of principles and demands was adopted, which remained the law of the party until it was changed by the action of the national convention of May, 1920, and the referendum vote just taken. Specifications 6 and 7 of those demands were as follows:

“ 6. Resistance to conscription of life and labor.

“ 7. Repudiation of war debts.”

Specification 6 has been omitted from their new list of demands.

Repudiation of the national war debt remained the law of their party and was a part of their creed and declared purpose at the time these five members elect were expelled. If carried out, it meant the repudiation of the liberty bonds held by twenty millions of American people. It meant the disgrace of the American government in the eyes of civilization. It was also a direct defiance of the Fourteenth Amendment to the Constitution of the United States which provides:

“The validity of the public debt of the United States authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned.”

A member elected to the State Legislature is required by the United States Constitution, as well as by the Constitution of the State of New York, to take an oath to support the Constitution of the United States. If he obeys that oath, he cannot favor the repudiation of our national war debt.

This disqualifying and damnable clause in the platform of the Socialist party was one of the objections raised to the admission of the five ousted members.

The national convention of May, 1920, however, yielding to your findings, reverses the former demand for the repudiation of the war debt, and demands its payment in full.

Third.—The State Constitution of the Socialist party, at the time the five members were expelled, provided that all candidates for public office should sign a resignation before the nomination was made official, which might be filed thereafter if such official rebelled against the orders imposed upon him by the dues-paying members.

The Socialist State Convention of July, 1920, took affirmative action looking toward the immediate repeal of this offensive rule, as well as for the amendment of the party constitution so that hereafter it will require all delegates and members of executive committee to be citizens of the United States.

Fourth.— It was charged and proved that the Socialist Party was preparing for and advocating the use of the general strike as a weapon to force the "Socialist Commonwealth" upon the majority, in place of our existing system, by gaining control of the workers engaged in the production and distribution of the necessities of life; and then, by concerted or "industrial mass action" cutting off the supply from those not willing to submit to their demands.

This of course would be the denial to the people of the exercise of the right of self-government; it would be criminal anarchy; it would be revolution effected by starvation of those who stand for the present constitutional system.

Has that purpose been abandoned by the Socialist Party?

As far as words go, in the declaration of principles adopted at the May, 1920, convention, they now profess adherence to a program of parliamentary action, through a majority vote, disavowing other methods.

We cannot search their hearts for hidden motives. We are naturally skeptical of their sudden profession of intention to accomplish changes in the governmental structure by lawful parliamentary methods. Time alone will show whether their professions of adherence to a peaceful and lawful parliamentary program are like false harbor lights, held out to lure the mariner on the rocks, in order that the beach combers may gather the spoil they covet.

Fifth.— Of paramount importance, probably transcending all other considerations, in their revolutionary and destructive creed and program as it stood when the five members were expelled, was the declaration of solidarity with and pledge of support to the Third Communist International, made by the Socialist party of America in September, 1919, at its Emergency Convention in Chicago. To adhere to the international revolutionary plan outlined in the manifesto of the Third International, issued in March, 1919, made one an enemy of organized government. It was not a program of parliamentary reform and constitutional amendment. It was a call for bloody revolution, the confiscation of all private property without compensation, the abject servitude

of all people to the dictatorship of an armed and relentless proletariat.

No intelligent person needs to be told what that would mean for America. The red army has written its record in blood. The world has read it with unutterable horror.

Whether or not the new declaration concerning the Third International is only reluctant lip service, rendered to a patriotic people who love liberty ordered, protected and made reasonable by law, the fact remains that at the national convention in May, 1920, the report of the Committee on International Relations was adopted, which, after discussing the history of the various internationals that have been formed, and declaring that the progress of a Socialistic International "is largely impeded by the attitude of the governing committee which seems inclined to impose upon all affiliated bodies the formula of the Russian revolution, 'The dictatorship of the proletariat in the form of Soviet power,'" adds the following statement: "It cannot be truly international unless it accords to its affiliated bodies full freedom in matters of policy and forms of struggle on the basis of such program and principles, so that the Socialists of each country may work out their problems in the light of their own peculiar economic, political and social conditions as well as the historic traditions.

"In view of the above considerations, the socialist party of the United States, while retaining its adherence to the Third International, instructs its executive committee, its international secretary and international delegates to be elected.

"To insist that no formula such as 'The dictatorship of the proletariat in the form of Soviets' or any other special formula for the attainment of the Socialist commonwealth be imposed or exacted as condition of affiliation with the Third International."

Thus has the Socialist party of America yielded, in its outward form and semblance, to the demands of patriotic men, not only in this Assembly but throughout the land, that no organization shall be recognized as a legitimate political party which carries in its platforms and constitutions provisions so obnoxious and so full of incitement to revolution and to the overthrow of constitutional government in America as did the Socialist Party

in the beginning of the year 1920, when these five men presented themselves as would-be members of this Assembly.

A more complete vindication of the action of this body at its regular session could hardly be conceived.

One may easily give credence to the report that the present masters of the Third International have declared their purpose not to recognize the delegates of the Socialist Party of America, because of the conditions imposed by the resolution referred to.

America owes a profound debt of gratitude to this body for its courageous investigation, its clear and unanswerable presentation of the principles, tendencies and attitude of that party; and to you fellow members of the Assembly is due, in my opinion, most of the credit for that compelling force which was brought to bear upon the members of the Socialist Party themselves, under the influence of which they have removed the badges of treason from their outer habiliments and changed their written creed, if not their secret purpose, so as to conform more nearly to the demands of an aroused and patriotic citizenship. You have written largely on the page of recent history, and your work was well done.

Fellow Members, I have laid the facts before you. What action, if any, is the most appropriate, under the new conditions with which we are confronted, will be determined in the exercise of the best judgment of this house; and that these thoughts may have time to mature, and that our final course may be justly and wisely determined, I recommend that the house now be adjourned until 11 o'clock tomorrow morning.

Mr. Trahan was excused on account of sickness in his family.

Messrs. Chamberlin and Downs were excused from to-day's session.

Mr. Dickstein was excused from the sessions of the week.

Mr. Adler moved that the House adjourn.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker declared the House adjourned in respect to the memory of John Damico.

TUESDAY, SEPTEMBER 21, 1920.

The House met pursuant to adjournment.

Prayer by Rev. G. C. Meyer.

On motion of Mr. Adler, the reading of the journal of yesterday was dispensed with and the same was approved.

The Senate sent for concurrence the following entitled bills:

"An act in relation to the assessment of taxes in the city of Watertown for the year nineteen hundred and twenty" (No. —, Rec. No. 1), which was read the first time.

On motion of Mr. Machold, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature: (In Extraordinary Session)

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 16, Printed No. 16) entitled "An act in relation to the assessment of taxes in the city of Watertown for the year nineteen hundred and twenty."

[L. S.] GIVEN under my hand and the privy seal of the State at the Capitol in the City of Albany this twentieth day of September in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and

it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 136

NOES 00

Those who voted in the affirmative were:

Adler	Cuvillier	Harris	McDonald	Seelbach
Ames D H	Davies	Hausner	McGinnies	Simpson
Amos	Dimin	Hawkins	McKee	Slacer
Barra	Dobson F	Healey	McLaughlin J F	Smith C C
Baum	Dobson G A	Hunter	McLoughlin J J	Smith M L
Beasley	Doherty	Hutchinson	McWhinney	Smith O J
Betts	Donohoe	Jacobs	Mead	Soule
Blakely	Donohue	Jeffery	Miller	Steinberg
Bloch	Downs	Jenks	Moore	Stitt
Blodgett	Duke	Jesse	Morrissey	Tallett
Bloomfield	Easton	Judson	Moss	Taylor
Bly	Evans	Kelly	Mullen	Thayer
Booth	Everett	Kenyon	Neary	Tyler
Bourke	Fearon	Kiernan	Norton	Ullman
Brady	Fenner	Klingmann	Patrzykowski	VanWagenen J
Brundage	Forbell	Lattin	Peck	VanWagenenSB
Burchill	Fox	Lee	Pellet	Wallace
Campbell	Gage	Lentol	Pette	Walrath
Carroll J T	Gardner	Lindsay	Reilly	Webb
Carroll W G	Gempler	Long	Reynaud	Wells
Caulfield	Gillette E V	Lord	Rice	Westall
Chamberlin	Gillett R H	Lown	Richford	Wheelock
Cheney	Griffith	MacFarland	Roosevelt	Whitcomb
Cole	Hager	Machold	Ross	Williams
Cosgrove	Halpern	Martin	Rowe	Wilson
Cowee	Hamill	McArdle	Schwab	Wiswall
Cross	Harrington	McCue	Seaker	Witter
Crowley				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

“An act to amend chapter three hundred and forty-two of the Laws of nineteen hundred and sixteen, entitled ‘An act creating a commission to negotiate for the transfer of the quarantine establishment of the United States with power to effectuate such transfer, and if such transfer be effectuated, abolishing the office of Health Officer for the Port of New York and ceding jurisdiction over the quarantine establishment to the United States,’ in relation to the transfer of furniture and equipment in connection with such establishments” (No. 14, Rec. No. 2), which was read the first time.

On motion of Mr. Machold, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature: (In Extraordinary Session)

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (No. 14, Rec. No. 2) entitled "An act to amend chapter three hundred and forty-two of the Laws of nineteen hundred and sixteen, entitled 'An act creating a commission to negotiate for the transfer of the quarantine establishment to the United States with power to effectuate such transfer, and if such transfer be effectuated, abolishing the office of Health Officer for the Port of New York and ceding jurisdiction over the quarantine establishment to the United States,' in relation to the transfer of furniture and equipment in connection with such establishment."

GIVEN under my hand and the Privy Seal of the State at
the Capitol in the City of Albany this twentieth day
[L. s.] of September in the year of our Lord one thousand
nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 135

NOES 00

Those who voted in the affirmative were:

Adler	Crowley	Harrington	McCue	Seaker
Ames D H	Cuvillier	Harris	McDonald	Seelbach
Amos	Davies	Hausner	McGinnies	Simpson
Barra	Dimin	Hawkins	McKee	Slacer
Baum	Dobson F	Healey	McLaughlin J F	Smith C C
Beasley	Dobson G A	Hunter	McLoughlin J J	Smith M L
Betts	Doherty	Hutchinson	McWhinney	Soule
Blakely	Donohoe	Jacobs	Mead	Steinberg
Bloch	Donohue	Jeffery	Miller	Stitt
Blodgett	Downs	Jenks	Moore	Tallett
Bloomfield	Duke	Jesse	Morrissey	Taylor
Bly	Easton	Judson	Moss	Thayer
Booth	Evans	Kelly	Mullen	Tyler
Bourke	Everett	Kenyon	Neary	Ullman
Brady	Fearon	Kiernan	Norton	VanWagenen J
Brundage	Fenner	Klingmann	Patrzykowski	VanWagenenSB
Burchill	Forbell	Lattin	Peck	Wallace
Campbell	Fox	Lee	Pellet	Walrath
Carroll J T	Gage	Lentol	Pette	Webb
Carroll W G	Gardner	Lindsay	Reilly	Wells
Caulfield	Gempler	Long	Reynaud	Westall
Chamberlin	Gillette E V	Lord	Rice	Wheelock
Cheney	Gillett R H	Lown	Richford	Whitcomb
Cole	Griffith	MacFarland	Roosevelt	Williams
Cosgrove	Hager	Machold	Ross	Wilson
Cowee	Halpern	Martin	Rowe	Wiswall
Cross	Hamill	McArdle	Schwab	Witter

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

By unanimous consent, the following bills were introduced:

"An act to amend the Code of Civil Procedure, in relation to summary proceedings to recover the possession of real property in cities of the first class and in cities in a county adjoining a city of the first class for default in the payment of rent" (Int. No. 1), which was read the first time, and referred to the committee on affairs of cities, and a copy sent to the committee on codes with authority to report its opinion thereon.

"An act to amend the Tax Law, in relation to exempting interest on mortgages and certain other securities from taxation as personal income" (Int. No. 2), which was read the first time, and referred to the committee on affairs of cities, and a copy sent to the committee on taxation and retrenchment with authority to report its opinion thereon.

“An act to amend the Tax Law, in relation to the exemption from local taxation of new buildings planned for dwelling purposes” (Int. No. 3), which was read the first time, and referred to the committee on affairs of cities, and a copy sent to the committee on taxation and retrenchment with authority to report its opinion thereon.

“An act to amend the Banking Law, in relation to investment of public funds in bonds of the State Land Bank” (Int. No. 4), which was read the first time, and referred to the committee on affairs of cities, and a copy sent to the committee on banks with authority to report its opinion thereon.

“An act to amend the Code of Civil Procedure, in relation to summary proceedings to recover the possession of real property in cities of the first class and in cities in a county adjoining a city of the first class, and to repeal chapter one hundred and thirty-seven of the Laws of nineteen hundred and twenty, entitled ‘An act in relation to summary proceedings to recover the possession of real property in cities of the first class or in cities in a county adjoining a city of the first class during the existing emergency’” (Int. No. 5), which was read the first time, and referred to the committee on affairs of cities, and a copy sent to the committee on codes with authority to report its opinion thereon.

“An act to amend chapter one hundred and thirty-six of the Laws of nineteen hundred and twenty, entitled ‘An act in relation to defenses in actions based upon unjust, unreasonable and oppressive agreements for rent of premises occupied for dwelling purposes in cities of the first class or in cities in a county adjoining a city of the first class,’ generally” (Int. No. 6), which was read the first time, and referred to the committee on affairs of cities, and a copy sent to the committee on codes with authority to report its opinion thereon.

“An act to amend the Code of Civil Procedure, in relation to summary proceedings to recover the possession of real property in cities of the first class and in cities in a county adjoining a city of the first class” (Int. No. 7), which was read the first time, and referred to the committee on affairs of cities, and a copy

sent to the committee on codes with authority to report its opinion thereon.

“An act to amend the Code of Civil Procedure, in relation to stays on appeal from final orders in summary proceedings” (Int. No. 8), which was read the first time and referred to the committee on affairs of cities and a copy sent to the committee on codes with authority to report its opinion thereon.

“An act in relation to the application of chapters one hundred and thirty-six, one hundred and thirty-seven and one hundred and thirty-nine of the Laws of nineteen hundred and twenty” (Int. No. 9), which was read the first time, and referred to the committee on affairs of cities, and a copy sent to the committee on codes with authority to report its opinion thereon.

“An act to amend the Code of Civil Procedure, in relation to the return day of precepts in summary proceeding to recover the possession of real property and the time of service thereof” (Int. No. 10), which was read the first time, and referred to the committee on affairs of cities, and a copy sent to the committee on codes with authority to report its opinion thereon.

“An act to amend the Penal Law, in relation to wilful violation of the terms of a lease” (Int. No. 11), which was read the first time, and referred to the committee on affairs of cities, and a copy sent to the committee on codes with authority to report its opinion thereon.

Mr. Cuvillier introduced a bill entitled “An act to amend the Real Property Law, in relation to rent that may be reserved in contracts for the rental of tenement house apartments” (Int. No. 12), which was read the first time, and referred to the committee on affairs of cities, and a copy sent to the committee on the judiciary with authority to report its opinion thereon.

Mr. Donohue introduced a bill entitled “An act to amend the Tax Law, in relation to exemptions from taxation for local purposes of new buildings used or intended to be used for dwellings” (Int. No. 13), which was read the first time and referred to the committee on affairs of cities and a copy sent to the committee on taxation and retrenchment with authority to report its opinion thereon.”

Also, “An act to amend the General City Law, in relation to

city housing boards, and to amend the Public Health Law, in relation to a State advisory housing board, and making appropriation therefor" (Int. No. 14), which was read the first time and referred to the committee on affairs of cities.

Also, "An act to amend the Greater New York charter, in relation to the issuance of certificates of indebtedness in the year nineteen hundred and twenty" (Int. No. 15), which was read the first time and referred to the committee on affairs of cities.

Mr. McKee introduced a bill entitled "An act to amend the Greater New York charter, in relation to the use of the proceeds of bond issues" (Int. No. 16), which was read the first time and referred to the committee on affairs of cities.

Mr. Fox introduced a bill entitled "An act to amend chapter one hundred and thirty-seven of the Laws of nineteen hundred and twenty, entitled 'An act in relation to summary proceedings to recover the possession of real property in cities of the first class or in cities in a county adjoining a city of the first class during the existing emergency,' in relation to summary proceedings to recover possession of real property in hotels" (Int. No. 17), which was read the first time and referred to the committee on affairs of cities.

Also, "An act to amend chapter one hundred and thirty-six of the Laws of nineteen hundred and twenty, entitled 'An act in relation to defenses in actions based upon unjust, unreasonable and oppressive agreements for rent of premises occupied for dwelling purposes in cities of the first class or in cities of a county adjoining a city of the first class,' in relation to defenses in actions based upon unjust, unreasonable and oppressive agreements for rent of premises occupied for dwelling purposes in hotels in cities of the first class or in cities in a county adjoining a city of the first class" (Int. No. 18), which was read the first time and referred to the committee on affairs of cities.

Also, "An act to amend the Code of Civil Procedure, in relation to summary proceedings to recover the possession of real property in hotels in cities of the first class and in cities in a county adjoining a city of the first class" (Int. No. 19), which was read the first time and referred to the committee on affairs of cities.

Mr. Amos introduced a bill entitled "An act to regulate renting conditions in cities and creating rent commissions" (Int. No. 20), which was read the first time and referred to the committee on affairs of cities.

Mr. Slacer introduced a bill entitled "An act to amend the Public Service Commissions Law, in relation to the general powers of commissions in relation to suspension of rates of gas and electricity, steam, telegraph and telephone corporations" (Int. No. 21), which was read the first time and referred to the committee on the judiciary.

Also, "An act to amend the Public Service Commissions Law, in relation to the general powers of commissions to suspend rates of telegraph and telephone corporations" (Int. No. 22), which was read the first time, and referred to the committee on the judiciary.

Mr. Cuvillier introduced a bill entitled "Concurrent resolution of the Senate and Assembly proposing an amendment to section one of article seven of the Constitution, in relation to State credit" (Int. No. 23), which was read the first time, and referred to the committee on affairs of cities, and a copy sent to the committee on the judiciary with authority to report its opinion thereon.

Mr. Machold introduced a bill entitled "An act to amend chapter three hundred and forty-two of the Laws of nineteen hundred and sixteen, entitled 'An act creating a commission to negotiate for the transfer of the quarantine establishment of the United States with power to effectuate such transfer, and if such transfer be effectuated, abolishing the office of Health Officer for the Port of New York and ceding jurisdiction over the quarantine establishment to the United States,' in relation to the transfer of furniture and equipment in connection with such establishment" (Int. No. 24), which was read the first time and referred to the committee on ways and means.

Also, "An act to amend the State Finance Law, in relation to temporary loans and revenue bonds" (Int. No. 25), which was read the first time and referred to the committee on ways and means.

Mr. McCue introduced a bill entitled "An act to amend the

Greater New York charter, in relation to the establishment and operation of municipal bus lines" (Int. No. 26), which was read the first time and referred to the committee on affairs of cities.

Mr. Richford introduced a bill entitled "An act to amend the Public Service Commissions Law, in relation to change of rates or charges by certain public service corporations" (Int. No. 27), which was read the first time and referred to the committee on the judiciary.

Mr. Jesse introduced a bill entitled "An act in relation to rent commissions, and to regulate renting conditions of rental property and apartments in cities of the first class, constituting chapter seventy-three of the Consolidated Laws" (Int. No. 28), which was read the first time, and referred to the committee on affairs of cities, and a copy sent to the committee on taxation and retrenchment with authority to report its opinion thereon.

Mr. O. J. Smith introduced a bill entitled "An act to amend the Penal Law, in relation to rent profiteering" (Int. No. 29), which was read the first time, and referred to the committee on affairs of cities, and a copy sent to the committee on codes with authority to report its opinion thereon.

Also, "An act to amend the Judiciary Law, in relation to the disqualification of judges who are landlords" (Int. No. 30), which was read the first time, and referred to the committee on affairs of cities, and a copy sent to the committee on the judiciary with authority to report its opinion thereon.

Mr. Ross introduced a bill entitled "An act in relation to summary proceedings to recover possession of real property in cities of the first class, or in cities in a county adjoining a city of the first or second class during the existing congested housing emergency" (Int. No. 31), which was read the first time and referred to the committee on affairs of cities.

Mr. J. F. McLaughlin introduced a bill entitled "An act establishing the bureau of land loans in the Banking Department" (Int. No. 32), which was read the first time and referred to the committee on banks.

Mr. Ullman introduced a bill entitled "An act for the relief of the city of New York in financing the building of dwellings

to meet the existing crisis and shortage of housing facilities in said city, and authorizing the financing of same and the issuance of corporate stock and serial bonds for such purposes" (Int. No. 33), which was read the first time and referred to the committee on affairs of cities.

Mr. McWhinney introduced a bill entitled "An act to amend the Tax Law, in relation to franchise tax on insurance companies, trust companies and savings banks" (Int. No. 34), which was read the first time, and referred to the committee on affairs of cities, and a copy sent to the committee on taxation and retrenchment with authority to report its opinion thereon.

Also, "An act to amend the Tax Law, in relation to imposing a tax on the right to administer and hold trust estates" (Int. No. 35), which was read the first time, and referred to the committee on affairs of cities, and a copy sent to the committee on taxation and retrenchment with authority to report its opinion thereon.

Mr. Everett introduced a bill entitled "An act to amend the Public Service Commissions Law, in relation to the general powers of commissions in relation to suspension of rates of gas and electricity, steam, telegraph and telephone corporations" (Int. No. 36), which was read the first time and referred to the committee on the judiciary.

Also, "An act to amend the Public Service Commissions Law, in relation to the general powers of commissions in relation to suspension of rates of gas and electricity, steam, telegraph and telephone corporations" (Int. No. 37), which was read the first time and referred to the committee on the judiciary.

Mr. Dimin introduced a bill entitled "An act to amend the Tenement-house Law, in relation to the definition of tenement house" (Int. No. 38), which was read the first time and referred to the committee on affairs of cities.

Also, "An act to amend the New York City Municipal Court Code, in relation to proceedings for eviction of tenants" (Int. No. 39), which was read the first time and referred to the committee on affairs of cities.

Also, "An act to amend the Real Property Law, in relation to duration of rental charges for buildings or parts thereof used for

dwelling purposes" (Int. No. 40), which was read the first time and referred to the committee on general laws.

Mr. Martin, from the committee on the judiciary, to which was referred the resolution relative to Louis Waldman, August Claessens, Samuel A. DeWitt, Samuel Orr, and Charles Solomon reported said resolution for the consideration of the House without recommendation, and said committee requests that consideration of said report be set down for two o'clock P. M. to-day.

Those who voted in the affirmative were: Messrs. Martin, Rowe, Jenks, Everett, Wilson, Harrington, Cuvillier. Those who voted in the negative were: Messrs. Pellet, Lown, Stitt, Blodgett, Bloch, Evans, which report was agreed to.

Mr. McWhinney, from the joint legislative committee on housing, submitted the following report, which was laid upon the table and ordered printed.

(See Document.)

Mr. McGinnies offered for the consideration of the House a resolution, in the words following:

Whereas, Untimely accident has removed from this body and from the activities and services of life our esteemed comrade and fellow legislator Hermes L. Ames; and

Whereas, During his three years of service in the Assembly he always evidenced perfect integrity and wise and zealous care for all interests committed to his charge; and

Whereas, It is the sense of this Assembly that a deeply regrettable loss has been sustained by us, by the State which we represent, and above all by the constituency that Mr. Ames has so faithfully served both in local offices of trust and as their representative here; therefore, be it

Resolved, That this expression of our sorrow be spread upon the journal of the House, and that a copy thereof, suitably engrossed, be sent to the members of the family of our late comrade; and be it further

Resolved, That when we do this day adjourn our adjournment shall be taken in respect to the memory of our lost member, Hermes L. Ames.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. McWhinney offered for the consideration of the House a resolution, in the words following:

Whereas, It has been charged publicly that certain manufacturers and producers of building material have entered into combinations and have engaged in methods of business calculated to maintain the prevailing prohibitive cost of such material, thereby impeding the construction of dwelling houses, aggravating the suffering and discomfort incident to the shortage of housing accommodations, and delaying relief to the people of the country from the economic depression which now exists.

Be it Resolved (if the Senate concur), That the Congress of the United States is hereby respectfully and urgently requested to provide for the immediate investigation of such charge to the end that such procedure may be taken as will bring to justice any person guilty of crime in connection with such allegation, and such legislation suggested as will effectually prevent the practice complained of.

Be it further Resolved, That the Secretary of State is hereby directed to transmit copies of this resolution to the Senate and House of Representatives of the United States, and to the several members thereof representing this State.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. McWhinney offered for the consideration of the House a resolution, in the words following:

Whereas, By reason of the usury laws of the several States the income from mortgages on real estate is definitely limited, while other investments are enhanced by various exemptions and greater income earning capacity.

Whereas, Thereby the mortgage as an investment cannot compete with other securities and investors not only are refusing to invest in loans on real estate but are actually withdrawing funds from the mortgage market.

Whereas, The lack of housing facilities prevailing throughout the country can only be rectified by immediate and extensive construction the financing of which is impossible so long as the mortgage continues to be an unattractive and inferior investment.

Whereas, While the Legislature of the State of New York has enacted a law exempting from the State Income Tax the income from mortgages, the feeling prevails that such exemption will not constitute a sufficient enhancement of the mortgage as an invest-

ment unless a similar exemption be granted under the Federal Income Tax Law.

Be it Resolved (if the Senate concur), That the Legislature of the State of New York earnestly urge the Congress of the United States to enact, as speedily as possible, proper legislation to effect such exemption.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. McWhinney offered for the consideration of the House a resolution, in the words following:

Whereas, For the purpose of stimulating the construction of dwelling houses and thereby relieving the acute shortage of housing facilities which exist throughout the country, it is necessary to provide and maintain at the site of construction an adequate supply of building material.

Whereas, It is impracticable, difficult and expensive at the present time for builders to secure deliveries of building material because of delays in the transportation thereof and the inability of railroads to ship such material, due to congestion of the roads and the preferences and priorities granted to other classes of shipments.

Whereas, Such of the building material which actually finds its way through transportation system is immediately diverted from the home markets and shipped to foreign ports at more attractive prices.

Resolved (if the Senate concur), That the Legislature of the petitions the Congress of the United States to enact necessary legislation to grant to shipments of building material a priority subsequent only to shipments of food and coal and to place an embargo on shipments of building material to foreign countries.

Be it further Resolved, That the Secretary of State is hereby directed to transmit copies of this resolution to the Senate and House of Representatives of the United States and to the several members thereof representing this State.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

At one o'clock P. M., on motion of Mr. Adler, the House took a recess of one hour.

TWO O'CLOCK P. M.

The House again convened.

Mr. Speaker announced the question to be the consideration of the resolution introduced by Mr. R. H. Gillett in relation to the five Socialist members reported by the committee on the judiciary for the consideration of the House.

Mr. Adler moved a call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By direction of the Speaker, the Clerk called the roll, when the following members responded:

Adler	Davies	Henderson	McLaughlin J F	Smith C C
Ames D H	deWitt	Hunter	McLoughlin J J	Smith M L
Amos	Dimin	Hutchinson	McWhinney	Smith O J
Barra	Dobson F	Jacobs	Mead	Solomon
Baum	Dobson G A	Jeffery	Miller	Soule
Beasley	Doherty	Jenks	Moore	Steinberg
Betts	Donohoe	Jesse	Morrissey	Stitt
Blakely	Donohue	Judson	Moss	Tallett
Bloch	Easton	Kelly	Mullen	Taylor
Blodgett	Evans	Kenyon	Neary	Thayer
Bloomfield	Everett	Kiernan	Norton	Trahan
Bly	Fearon	Klingmann	Orr	Tyler
Booth	Fenner	Lattin	Patrzykowski	Ullman
Bourke	Forbell	Lee	Peck	VanWagenen J
Brady	Fox	Leininger	Pellet	VanWagenenSB
Brundage	Gage	Lentol	Pette	Waldman
Burchill	Gardner	Lindsay	Reilly	Wallace
Campbell	Gempler	Long	Reynaud	Walrath
Carroll J T	Gillette E V	Lord	Rice	Webb
Carroll W G	Gillett R H	Lown	Richford	Wells
Caulfield	Hager	MacFarland	Roosevelt	Westall
Cheney	Halpern	Machold	Ross	Wheelock
Claessens	Hamill	Martin	Rowe	Whitcomb
Cole	Harrington	McArdle	Schwab	Williams
Cosgrove	Harris	McCue	Seaker	Wilson
Cowee	Hausner	McDonald	Seelbach	Wiswall
Cross	Hawkins	McGinnies	Simpson	Witter
Crowley	Healey	McKee	Slacer	Speaker
Cuvillier				

Mr. Adler moved that the House proceed with business during the pendency of the call.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Cuvillier moved to amend said resolution by substituting therefor the following substitute resolutions:

Whereas, Louis Waldman of the Eighth District and August Claessens of the Seventeenth District, county of New York, Sam-

uel A. DeWitt of the Third District and Samuel Orr of the Fourth District, county of Bronx and Charles Solomon of the Twenty-third District, county of Kings, were elected members of the Assembly of the State of New York for the year 1920; and

Whereas, A resolution was adopted immediately after the organization of this Assembly for the session of 1920 denying the said Louis Waldman, August Claessens, Samuel A. DeWitt, Samuel Orr and Charles Solomon seats in the Assembly pending an investigation of the qualifications and eligibility of the said five persons to seats in the Assembly; and

Whereas, The judiciary committee of the Assembly, after an extended investigation as to the qualifications and eligibility of the aforesaid persons, recommended that each of them be declared ineligible and disqualified to occupy seats in the Assembly of the State of New York as members thereof and said report was adopted by the Assembly; and

Whereas, The said persons at a recent special election were re-elected to fill the vacancies caused by their exclusion; and

Whereas, The said Louis Waldman, August Claessens and Charles Solomon were found to be ineligible to sit as Members of this Assembly because of reasons of a disqualifying character personal to themselves and apart from the consequence of mere membership in the Socialist Party of America, which at that time was found by this Assembly to be a group or party advocating and committed to purposes and policies violating in essential particulars the necessary qualifications of loyalty to State and Nation but which said Socialist Party of America has since the aforesaid action of this Assembly, according to information furnished to this Assembly by the Speaker thereof, abandoned the advocacy of such principles and policies; now, therefore, be it

Resolved, That under the facts and circumstances of this case Louis Waldman is disqualified to have or to hold a seat in the Assembly of the State of New York as a member thereof and that the seat to which he was elected be declared vacant.

Whereas, Louis Waldman of the Eighth District and August Claessens of the Seventeenth District, county of New York, Samuel A. DeWitt of the Third District and Samuel Orr of the Fourth District, county of Bronx and Charles Solomon of the Twenty-third District, county of Kints, were elected members of the Assembly of the State of New York for the year 1920; and

Whereas, A resolution was adopted immediately after the organization of this Assembly for the session of 1920 denying the said Louis Waldman, August Claessens, Samuel A. DeWitt, Samuel Orr and Charles Solomon seats in the Assembly pending an in-

vestigation of the qualifications and eligibility of the said five persons to seats in the Assembly; and

Whereas, The judiciary committee of the Assembly, after an extended investigation as to the qualifications and eligibility of the aforesaid persons, recommended that each of them be declared ineligible and disqualified to occupy seats in the Assembly of the State of New York as members thereof and said report was adopted by the Assembly; and

Whereas, The said persons at a recent special election were re-elected to fill the vacancies caused by their exclusion; and

Whereas, The said Louis Waldman, August Claessens and Charles Solomon were found to be ineligible to sit as Members of this Assembly because of reasons of a disqualifying character personal to themselves and apart from the consequence of mere membership in the Socialist Party of America, which at that time was found by this Assembly to be a group or party advocating and committed to purposes and policies violating in essential particulars the necessary qualifications of loyalty to State and Nation but which said Socialist Party of America has since the aforesaid action of this Assembly, according to information furnished to this Assembly by the Speaker thereof, abandoned the advocacy of such principles and policies; now, therefore, be it

Resolved, That under the facts and circumstances of this case August Claessens is disqualified to have or to hold a seat in the Assembly of the State of New York as a member thereof and that the seat to which he was elected be declared vacant.

Whereas, Louis Waldman of the Eighth District and August Claessens of the Seventeenth District, county of New York, Samuel A. DeWitt of the Third District and Samuel Orr of the Fourth District, county of Bronx and Charles Solomon of the Twenty-third District, county of Kings, were elected members of the Assembly of the State of New York for the year 1920; and

Whereas, A resolution was adopted immediately after the organization of this Assembly for the session of 1920 denying the said Louis Waldman, August Claessens, Samuel A. DeWitt, Samuel Orr and Charles Solomon seats in the Assembly pending an investigation of the qualifications and eligibility of the said five persons to seats in the Assembly; and

Whereas, The judiciary committee of the Assembly, after an extended investigation as to the qualifications and eligibility of the aforesaid persons recommended that each of them be declared ineligible and disqualified to occupy seats in the Assembly of the State of New York as members thereof and said report was adopted by the Assembly; and

Whereas, The said persons at a recent special election were re-elected to fill the vacancies caused by their exclusion; and

Whereas, The said Louis Waldman, August Claessens and Charles Solomon were found to be ineligible to sit as members of this Assembly because of reasons of a disqualifying character personal to themselves and apart from the consequence of mere membership in the Socialist Party of America, which at that time was found by this Assembly to be a group or party advocating and committed to purposes and policies violating in essential particulars the necessary qualifications of loyalty to State and Nation but which said Socialist Party of America has since the aforesaid action of this Assembly, according to information furnished to this Assembly by the Speaker thereof, abandoned the advocacy of such principles and policies; now, therefore, be it

Resolved, That under the facts and circumstances of this case Charles Solomon is disqualified to have or to hold a seat in the Assembly of the State of New York as a member thereof and that the seat to which he was elected be declared vacant.

Mr. Wells moved to amend the amendment by adding thereto the following resolutions:

Be it Resolved, That under the facts and circumstances of this case Samuel A. DeWitt is disqualified to have or to hold a seat in the Assembly of the State of New York as a member thereof and that the seat to which he was elected be declared vacant.

Be it Resolved, That under the facts and circumstances of this case Samuel Orr is disqualified to have or to hold a seat in the Assembly of the State of New York as a member thereof and that the seat to which he was elected be declared vacant.

Debate was then had.

By unanimous consent, Mr. R. H. Gillett withdrew his original resolution, accepting the amendments offered thereto.

Debate was continued.

Mr. Adler moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker stated the question to be the adoption of the resolution declaring Louis Waldman disqualified to hold a seat in the Assembly, and declaring the seat to which he was elected vacant.

Mr. Speaker put the question whether the House would agree

to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 90

NOES 45

Those who voted in the affirmative were:

Ames D H	Cross	Henderson	Mead	Smith M L
Barra	Cuvillier	Hunter	Miller	Smith O J
Baum	Davies	Hutchinson	Moore	Soule
Beasley	Dobson G A	Jacobs	Morrissey	Taylor
Betts	Doherty	Jeffery	Moss	Thayer
Blakely	Easton	Jenks	Mullen	Trahan
Bloomfield	Everett	Kelly	Norton	Tyler
Bly	Fearon	Kenyon	Patrzykowski	VanWagenenSB
Booth	Fenner	Lattin	Peck	Wallace
Bourke	Forbell	Lee	Pette	Walrath
Brady	Fox	Leininger	Reilly	Webb
Brundage	Gage	Long	Reynaud	Wells
Burchill	Gardner	Lord	Rice	Westall
Campbell	Gillett R H	MacFarland	Rowe	Wheelock
Carroll J T	Hager	Machold	Schwab	Whitcomb
Caulfield	Halpern	McCue	Seaker	Williams
Cheney	Hausner	McGinnies	Seelbach	Wiswall
Cowee	Healey	McLoughlin J J	Slacer	Speaker

Those who voted in the negative were:

Adler	Dobson F	Harris	Martin	Roosevelt
Amos	Donohoe	Hawkins	McArdle	Ross
Bloch	Donohue	Jesse	McDonald	Simpson
Bodgett	Evans	Judson	McKee	Smith C C
Carroll W G	Gempler	Kiernan	McLaughlin J F	Stitt
Cole	Gillette E V	Klingmann	McWhinney	Tallett
Cosgrove	Griffith	Lentol	Neary	VanWagenen J
Crowley	Hamil	Lindsay	Pellet	Wilson
Dimin	Harrington	Lown	Richford	Witter

Mr. Speaker declared the seat to which Louis Waldman was elected vacant.

Mr. Speaker stated the question to be the adoption of the resolution declaring August Claessens disqualified to hold a seat in the Assembly, and declaring the seat to which he was elected vacant.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 90

NOES 45

Those who voted in the affirmative were:

Ames D H	Cross	Henderson	Mead	Smith M L
Barra	Cuvillier	Hunter	Miller	Smith O J
Baum	Davies	Hutchinson	Moore	Soule
Beasley	Dobson G A	Jacobs	Morrissey	Taylor
Betts	Doherty	Jeffery	Moss	Thayer
Blakely	Easton	Jenks	Mullen	Trahan
Bloomfield	Everett	Kelly	Norton	Tyler
Bly	Fearon	Kenyon	Patrzykowski	VanWagenenSB
Booth	Fenner	Lattin	Peck	Wallace
Bourke	Forbell	Lee	Pette	Walrath
Brady	Fox	Leininger	Reilly	Webb
Brundage	Gage	Long	Reynaud	Wells
Burchill	Gardner	Lord	Rice	Westall
Campbell	Gillett R H	MacFarland	Rowe	Wheelock
Carroll J T	Hager	Machold	Schwab	Whitcomb
Caulfield	Halpern	McCue	Seaker	Williams
Cheney	Hausner	McGinnies	Seelbach	Wiswall
Cowee	Healey	McLoughlin J J	Slacer	Speaker

Those who voted in the negative were:

Adler	Dobson F	Harris	Martin	Roosevelt
Amos	Donohoe	Hawkins	McArdle	Ross
Bloch	Donohue	Jesse	McDonald	Simpson
Blodgett	Evans	Judson	McKee	Smith C C
Carroll W G	Gempler	Kiernan	McLaughlin J F	Stitt
Cole	Gillette E V	Klingmann	McWhinney	Tallett
Cosgrove	Griffith	Lentol	Neary	VanWagenen J
Crowley	Hamill	Lindsay	Pellet	Wilson
Dimin	Harriagton	Lown	Richford	Witter

Mr. Speaker declared the seat to which August Claessens was elected vacant.

Mr. Speaker stated the question to be the adoption of the resolution declaring Charles Solomon disqualified to hold a seat in the Assembly, and declaring the seat to which he was elected vacant.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 90

NOES 45

Those who voted in the affirmative were:

Ames D H	Cross	Henderson	Mead	Smith M L
Barra	Cuvillier	Hunter	Miller	Smith O J
Baum	Davies	Hutchinson	Moore	Soule

Beasley	Dobson G A	Jacobs	Morrissey	Taylor
Betts	Doherty	Jeffery	Moss	Thayer
Blakely	Easton	Jenks	Mullen	Trahan
Bloomfield	Everett	Kelly	Norton	Tyler
Bly	Fearon	Kenyon	Patrzykowski	VanWagenenSB
Booth	Fenner	Lattin	Peck	Wallace
Bourke	Forbell	Lee	Pette	Walrath
Brady	Fox	Leiningner	Reilly	Webb
Brundage	Gage	Long	Reynaud	Wells
Burchill	Gardner	Lord	Rice	Westall
Campbell	Gillett R H	MacFarland	Rowe	Wheelock
Carroll J T	Hager	Machold	Schwab	Whitcomb
Caulfield	Halpern	McCue	Seaker	Williams
Cheney	Hausner	McGinnies	Seelbach	Wiswall
Cowee	Healey	McLoughlin J J	Slacer	Speaker

Those who voted in the negative were:

Adler	Dobson F	Harris	Martin	Roosevelt
Amos	Donohoe	Hawkins	McArdle	Ross
Bloch	Donohue	Jesse	McDonald	Simpson
Blodgett	Downs	Judson	McKee	Smith C C
Carroll W G	Gempler	Kiernan	McLaughlin J F	Stitt
Cole	Gillette E V	Klingmann	McWhinney	Tallett
Cosgrove	Griffith	Lentol	Neary	VanWagenen J
Crowley	Hamill	Lindsay	Pellet	Wilson
Dimin	Harrington	Lown	Richford	Witter

Mr. Speaker declared the seat to which Charles Solomon was elected vacant.

Mr. Speaker stated the question to be the adoption of the resolution declaring Samuel A. deWitt disqualified to hold a seat in the Assembly, and declaring the seat to which he was elected vacant.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 47

NOES 87

Those who voted in the affirmative were:

Barra	Dobson G A	Jeffery	Moss	Soule
Betts	Easton	Kelly	Patrzykowski	Taylor
Blakely	Everett	Kenyon	Peck	Thayer
Bourke	Fenner	Lattin	Reilly	Wallace
Brady	Gage	Lee	Reynaud	Walrath
Brundage	Gillett R H	MacFarland	Seaker	Wells
Burchill	Halpern	McCue	Seelbach	Westall
Campbell	Healey	McLoughlin J J	Slacer	Williams
Carroll J T	Hutchinson	Morrissey	Smith O J	Wiswall
Cowee	Jacobs			

Those who voted in the negative were:

Adler	Davies	Hausner	McArdle	Ross
Ames D H	Dimin	Hawkins	McDonald	Rowe
Amos	Dobson F	Henderson	McGinnies	Schwab
Baum	Doherty	Hunter	McKee	Simpson
Beasley	Donohoe	Jenks	McLaughlin J F	Smith C C
Bloch	Donohue	Jesse	McWhinney	Smith M L
Blodgett	Evans	Judson	Mead	Stitt
Bloomfield	Fearon	Kiernan	Miller	Tallett
Bly	Forbell	Klingmann	Moore	Trahan
Booth	Fox	Leininger	Mullen	Tyler
Carroll W G	Gardner	Lentol	Neary	Van Wagenen J
Caulfield	Gempler	Lindsay	Norton	Van Wagenen SB
Cheney	Gillette E V	Long	Pellet	Webb
Cole	Griffith	Lord	Pette	Wheelock
Cosgrove	Hager	Lown	Rice	Whitecomb
Cross	Hamill	Machold	Richford	Wilson
Crowley	Harrington	Martin	Roosevelt	Witter
Cuvillier	Harris			

Mr. Speaker stated the question to be the adoption of the resolution declaring Samuel Orr disqualified to hold a seat in the Assembly, and declaing the seat to which he was elected vacant.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 47

NOES 87

Those who voted in the affirmative were:

Barra	Dobson G A	Jeffery	Moss	Soule
Betts	Easton	Kelly	Patrzykowski	Taylor
Blakely	Everett	Kenyon	Peck	Thayer
Bourke	Fenner	Lattin	Reilly	Wallace
Brady	Gage	Lee	Reynaud	Walrath
Brundage	Gillett R H	MacFarland	Seaker	Wells
Burchil	Halpern	McCue	Seelbach	Westall
Campbell	Healey	McLoughlin J J	Slacer	Williams
Carroll J T	Hutchinson	Morrissey	Smith O J	Wiswall
Cowee	Jacobs			

Those who voted in the negative were:

Adler	Davies	Hausner	McArdle	Ross
Ames D H	Dimin	Hawkins	McDonald	Rowe
Amos	Dobson F	Henderson	McGinnies	Schwab
Baum	Doherty	Hunter	McKee	Simpson
Beasley	Donohoe	Jenks	McLaughlin J F	Smith C C
Bloch	Donohue	Jesse	McWhinney	Smith M L
Blodgett	Evans	Judson	Mead	Stitt
Bloomfield	Fearon	Kiernan	Miller	Tallett

Bly	Forbell	Klingmann	Moore	Trahan
Booth	Fox	Leininger	Mullen	Tyler
Carroll W G	Gardner	Lentol	Neary	Van Wagenen J
Caulfield	Gempler	Lindsay	Norton	VanWagenenSB
Cheney	Gillette E V	Long	Pellet	Webb
Cole	Griffith	Lord	Pette	Wheelock
Cosgrove	Hager	Lown	Rice	Whitcomb
Cross	Hamill	Machold	Richford	Wilson
Crowley	Harrington	Martin	Roosevelt	Witter
Cuvillier	Harris			

Mr. McCue moved to reconsider the vote by which the resolution declaring Louis Waldman disqualified to hold a seat in the Assembly, and declaring the seat to which he was elected vacant.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the adoption of said resolution, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 52

NOES 81

Those who voted in the affirmative were:

Adler	Donohoe	Healey	McArdle	Richford
Amos	Donohue	Jesse	McCue	Roosevelt
Barra	Easton	Judson	McDonald	Ross
Bloch	Evans	Kiernan	McKee	Simpson
Blodgett	Gempler	Klingmann	McLaughlin J F	Smith C C
Burchill	Gillette E V	Lattin	McWhinney	Stitt
Carroll W G	Griffith	Lentol	Neary	Taylor
Cosgrove	Hamill	Lindsay	Pellet	Van Wagenen J
Crowley	Harrington	Lown	Reilly	Wilson
Dimin	Harris	Martin	Reynaud	Witter
Dobson F	Hawkins			

Those who voted in the negative were:

Ames D H	Davies	Hutchinson	Moore	Soule
Baum	Dobson G A	Jacobs	Morrissey	Tallett
Beasley	Doherty	Jeffery	Moss	Thayer
Betts	Everett	Jenks	Mullen	Trahan
Blakely	Fearon	Kelly	Norton	Tyler
Bly	Fenner	Kenyon	Patrzykowski	VanWagenenSB
Booth	Forbell	Lee	Peck	Wallace
Bourke	Fox	Leininger	Pette	Walrath
Brundage	Gage	Long	Rice	Webb
Campbell	Gardner	Lord	Rowe	Wells
Carroll J T	Gillett R H	MacFarland	Schwab	Westall
Caulfield	Hager	Machold	Seaker	Wheelock
Cheney	Halpern	McGinnies	Seelbach	Whitcomb
Cole	Hausner	McLoughlin J J	Slacer	Williams

Cowee
Cross
Cuvillier

Henderson
Hunter

Mead
Miller

Smith M L
Smith O J

Wiswall
Speaker

Mr. Speaker declared the House adjourned in respect to the memory of Hermes L. Ames.

WEDNESDAY, SEPTEMBER 22, 1920

The House met pursuant to adjournment.

Mr. Cowee in the chair.

Prayer by Rev. Creighton R. Storey.

On motion of Mr. Martin, the reading of the journal of yesterday was dispensed with and the same was approved.

Mr. Leininger introduced a bill entitled "An act to amend the Tenement House Law, generally" (Int. No. 41), which was read the first time and referred to the committee on affairs of cities.

Mr. Machold introduced a bill entitled "An act to provide for the construction, by the State, of a hospital for discharged soldiers, sailors and marines, from the State of New York, suffering from mental diseases, and making an appropriation therefor" (Int. No. 42), which was read the first time and referred to the committee on ways and means.

Mr. McKee introduced a bill entitled "An act to provide relief in an emergency existing in the city of New York due to the lack of houses, and to regulate the making of agreements for rent" (Int. No. 43), which was read the first time and referred to the committee on affairs of cities.

Mr. O. J. Smith introduced a bill entitled "An act to amend the Penal Law, in relation to refusal to rent apartments to persons having children" (Int. No. 44), which was read the first time, and referred to the committee on affairs of cities, and a copy sent to the committee on codes with authority to report its opinion thereon.

On motion of Mr. Martin, the House adjourned.

THURSDAY, SEPTEMBER 23, 1920

The House met pursuant to adjournment.

Prayer by Rev. Creighton R. Storey.

On motion of Mr. Adler, the reading of the journal of yesterday was dispensed with and the same was approved.

Mr. Evans introduced a bill entitled "An act to amend the Greater New York charter, in relation to exemption of certain real property and the buildings thereon erected from taxation" (Int. No. 45), which was read the first time, and referred to the committee on affairs of cities, and a copy sent to the committee on taxation and retrenchment with authority to report its opinion thereon.

Also, "An act to amend the Greater New York charter, in relation to the powers of the commissioners of the sinking fund" (Int. No. 46), which was read the first time and referred to the committee on affairs of cities.

Mr. Gempler introduced a bill entitled "An act extending the application of chapters one hundred and thirty, one hundred and thirty-one, one hundred and thirty-two, one hundred and thirty-three, one hundred and thirty-four, one hundred and thirty-five, one hundred and thirty-six, one hundred and thirty-seven, one hundred and thirty-nine, two hundred and nine and two hundred and ten of the Laws of nineteen hundred and twenty to buildings and portions thereof used for business purposes" (Int. No. 47), which was read the first time and referred to the committee on affairs of cities.

Also, "An act to amend the State Finance Law, in relation to investment of State sinking funds, and the General City Law, in relation to investment of municipal sinking funds" (Int. No. 48), which was read the first time and referred to the committee on ways and means.

Also, "An act to amend chapter one hundred and thirty-six of the Laws of nineteen hundred and twenty, entitled "An act in relation to defenses in actions based upon unjust, unreasonable and oppressive agreements for rent of premises occupied for dwelling purposes in cities of the first class, or in cities in a

county adjoining a city of the first class,' in relation to filing a detailed statement of rents collected " (Int. No. 49), which was read the first time, and referred to the committee on affairs of cities, and a copy sent to the committee on codes with authority to report its opinion thereon.

Also, "An act to amend the Penal Law, in relation to failure to refund excess rent collected " (Int. No. 50), which was read the first time, and referred to the committee on affairs of cities, and a copy sent to the committee on codes with authority to report its opinion thereon.

Mr. Klingmann introduced a bill entitled "An act to amend chapter one hundred and thirty-six of the Laws of nineteen hundred and twenty, entitled 'An act in relation to defenses in actions based upon unjust, unreasonable and oppressive agreements for rent of premises occupied for dwelling purposes in cities of the first class or in cities in a county adjoining a city of the first class,' in relation to filing a detailed statement of rents collected " (Int. No. 51), which was read the first time, and referred to the committee on affairs of cities, and a copy sent to the committee on codes with authority to report its opinion thereon.

Also, "An act to amend the Tenement House Law, in relation to the definition of tenement house " (Int. No. 52), which was read the first time, and referred to the committee on affairs of cities, and a copy sent to the committee on codes with authority to report its opinion thereon.

Also, "An act to amend the Penal Law, in relation to failure to refund excess rent collected " (Int. No. 53), which was read the first time and referred to the committee on codes.

Also, "An act to amend the State Finance Law, in relation to investment of State sinking funds, and the General City Law, in relation to investment of municipal sinking funds " (Int. No. 54), which was read the first time and referred to the committee on ways and means.

Mr. Leininger introduced a bill entitled "An act to amend the Greater New York charter, in relation to orders by the tenement house commissioner " (Int. No. 55), which was read the first time and referred to the committee on affairs of cities.

Mr. Machold introduced a bill entitled "An act to repeal chapter twenty of the Laws of nineteen twenty, and reappropriating certain funds to the Brooklyn State Hospital" (Int. No. 56), which was read the first time and referred to the committee on ways and means.

Mr. McCue introduced a bill entitled "An act to amend the Tax Law, in relation to exemption from taxation for local purposes of certain new buildings" (Int. No. 57), which was read the first time and referred to the committee on taxation and retrenchment.

Mr. Cuvillier introduced a bill entitled "An act to amend the Insurance Law, in relation to percentage of capital and surplus of domestic insurance corporations to be invested in bonds and mortgages of real property" (Int. No. 58), which was read the first time and referred to the committee on insurance.

Also, "An act to amend the Banking Law, in relation to necessary investments by savings banks" (Int. No. 59), which was read the first time and referred to the committee on affairs of cities.

Mr. Kiernan introduced a bill entitled "An act to amend the Penal Law, in relation to discriminations in leasing of apartments" (Int. No. 60), which was read the first time, and referred to the committee on affairs of cities, and a copy sent to the committee on codes with authority to report its opinion thereon.

On motion of Mr. Adler, the House took a recess of one hour.

TWELVE O'CLOCK, NOON

The House again convened.

The Senate sent for concurrence the following entitled bills:

"An act to amend the Penal Law, in relation to wilful violation of the terms of a lease" (Int. No. 10, Rec. No. 3), which was read the first time.

On motion of Mr. Duke, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature: (Extraordinary Session)

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 10, Printed No. 10) entitled "An act to amend the Penal Law, in relation to wilful violation of the terms of a lease."

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany this twenty-third
[L. s.] day of September in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 125

NOES 00

Those who voted in the affirmative were:

Adler	Cross	Harris	McCue	Seelbach
Ames D H	Cuvillier	Hausner	McGinnies	Simpson
Amos	Davies	Hawkins	McKee	Slacer
Barra	Dobson G A	Healey	McLaughlin J F	Smith C C
Baum	Doherty	Henderson	McLoughlin J J	Smith M L
Beasley	Donohoe	Hutchinson	McWhinney	Smith O J
Betts	Donohue	Jacobs	Mead	Soule
Blakely	Duke	Jeffery	Miller	Steinberg
Bloch	Easton	Jenks	Moore	Stitt
Blodgett	Evans	Jesse	Morrissey	Tallett
Bly	Everett	Judson	Moss	Trahan
Booth	Fearon	Kelly	Mullen	Tyler
Bourke	Fenner	Kenyon	Neary	Ullman

Brady	Forbell	Kiernan	Norton	VanWagenen J
Brundage	Fox	Klingmann	Patrzykowski	VanWagenenSB
Burchill	Gage	Lattin	Peck	Wallace
Campbell	Gardner	Leininger	Pette	Walrath
Carroll J T	Gempler	Lentol	Reilly	Webb
Carroll W G	Gillette E V	Long	Reynaud	Wells
Caulfield	Gillett R H	Lord	Rice	Westall
Chamberlin	Griffith	Lown	Richford	Wheelock
Cheney	Hager	MacFarland	Ross	Whitcomb
Cole	Halpern	Machold	Rowe	Williams
Cosgrove	Hamill	Martin	Schwab	Wiswall
Cowee	Harrington	McArdle	Seaker	Witter

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

“An act to amend the Code of Civil Procedure, in relation to the return day of precepts in summary proceeding to recover the possession of real property, and the time of service thereof” (No. 9, Rec. No. 4) which was read the first time.

On motion of Mr. Duke, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,
ALBANY.

To the Legislature: (Extraordinary Session)

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 9, Printed No. 9) entitled “An act to amend the Code of Civil Procedure, in relation to the return day of precepts in summary proceeding to recover the possession of real property and the time of service thereof.”

[L. S.] GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany this twenty-third day of September in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 125

NOES 00

Those who voted in the affirmative were:

Adler	Cross	Harris	McCue	Seelbach
Ames D H	Cuvillier	Hausner	McGinnies	Simpson
Amos	Davies	Hawkins	McKee	Slacer
Barra	Dobson G A	Healey	McLaughlin J F	Smith C C
Baum	Doherty	Henderson	McLoughlin J J	Smith M L
Beasley	Donohoe	Hutchinson	McWhinney	Smith O J
Betts	Donohue	Jacobs	Mead	Soule
Blakely	Duke	Jeffery	Miller	Steinberg
Bloch	Easton	Jenks	Moore	Stitt
Blodgett	Evans	Jesse	Morrissey	Tallett
Bly	Everett	Judson	Moss	Trahan
Booth	Fearon	Kelly	Mullen	Tyler
Bourke	Fenner	Kenyon	Neary	Ullman
Brady	Forbell	Kiernan	Norton	VanWagenen J
Brundage	Fox	Klingmann	Patrzykowski	VanWagenenSB
Burchill	Gage	Lattin	Peck	Wallace
Campbell	Gardner	Leininger	Petta	Walrath
Carroll J T	Gempler	Lentol	Reilly	Webb
Carroll W G	Gillette E V	Long	Reynaud	Wells
Caulfield	Gillett R H	Lord	Rice	Westall
Chamberlin	Griffith	Lown	Richford	Wheelock
Cheney	Hager	MacFarland	Ross	Whitcomb
Cole	Halpern	Machold	Rowe	Williams
Cosgrove	Hamill	Martin	Schwab	Wiswall
Cowee	Harrington	McArdle	Seaker	Witter

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act to amend the Code of Civil Procedure, in relation to summary proceedings to recover the possession of real property in cities of the first class, and in cities in a county adjoining a city of the first class" (No. 6, Rec. No. 5), which was read the first time.

On motion of Mr. McWhinney, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,
ALBANY.

To the Legislature: (Extraordinary Session)

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 6, Printed No. 6) entitled "An act to amend the Code of Civil Procedure, in relation to summary proceedings to recover the possession of real property in cities of the first class, and in cities in a county adjoining a city of the first class."

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany this twenty-third day of September in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 125

NOES 00

Those who voted in the affirmative were:

Adler	Cross	Harris	McCue	Seelbach
Ames D H	Cuvillier	Hausner	McGinnies	Simpson
Amos	Davies	Hawkins	McKee	Slacer
Barra	Dobson G A	Healey	McLaughlin J F	Smith C C
Baum	Doherty	Henderson	McLoughlin J J	Smith M L
Beasley	Donohoe	Hutchinson	McWhinney	Smith O J
Betts	Donohue	Jacobs	Mead	Soule
Blakely	Duke	Jeffery	Miller	Steinberg
Bloch	Easton	Jenks	Moore	Stitt
Blodgett	Evans	Jesse	Morrissey	Tallett

Bly	Everett	Judson	Moss	Trahan
Booth	Fearon	Kelly	Mullen	Tyler
Bourke	Fenner	Kenyon	Neary	Ullman
Brady	Forbell	Kiernan	Norton	VanWagenen J
Brundage	Fox	Klingmann	Patrzykowski	VanWagenenSB
Burchill	Gage	Lattin	Peck	Wallace
Campbell	Gardner	Leininger	Pette	Walrath
Carroll J T	Gempler	Lentol	Reilly	Webb
Carroll W G	Gillette E V	Long	Reynaud	Wells
Caulfield	Gillett R H	Lord	Rice	Westall
Chamberlin	Griffith	Lown	Richford	Wheelock
Cheney	Hager	MacFarland	Ross	Whitcomb
Cole	Halpern	Machold	Rowe	Williams
Cosgrove	Hamill	Martin	Schwab	Wiswall
Cowee	Harrington	McArdle	Seaker	Witter

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

“An act to amend the Banking Law, in relation to investment of public funds in bonds of the State Land Bank” (No. 3, Rec. No. 6), which was read the first time.

On motion of Mr. Cheney, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature: (Extraordinary Session)

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 5, Printed No. 5) entitled “An act to amend the Banking Law, in relation to investment of public funds in bonds of the State Land Bank.”

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany this twenty-third
[L. s.] day of September in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,

Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 125

NOES 00

Those who voted in the affirmative were:

Adler	Cross	Harris	McCue	Seelbach
Ames D H	Cuvillier	Hausner	McGinnies	Simpson
Amos	Davies	Hawkins	McKee	Slacer
Barra	Dobson G A	Healey	McLaughlin J F	Smith C C
Baum	Doherty	Henderson	McLouglin J J	Smith M L
Beasley	Donohoe	Hutchinson	McWhinney	Smith O J
Betts	Donohue	Jacobs	Mead	Soule
Blakely	Duke	Jeffery	Miller	Steinberg
Bloch	Easton	Jenks	Moore	Stitt
Blodgett	Evans	Jesse	Morrissey	Tallett
Bly	Everett	Judson	Moss	Taylor
Booth	Fearon	Kelly	Mullen	Tyler
Bourke	Fenner	Kenyon	Neary	Ullman
Brady	Forbell	Kiernan	Norton	Van Wagenen J
Brundage	Fox	Klingmann	Patrzykowski	VanWagenenSB
Burchill	Gage	Lattin	Peck	Wallace
Campbell	Gardner	Leininger	Pette	Walrath
Carroll J T	Gempler	Lentol	Reilly	Webb
Carroll W G	Gillette E V	Long	Reynaud	Wells
Caulfield	Gillett R H	Lord	Rice	Westall
Chamberlin	Griffith	Lown	Richford	Wheelock
Cheney	Hager	MacFarland	Ross	Whitcomb
Cole	Halpern	Machold	Rowe	Williams
Cosgrove	Hamill	Martin	Schwab	Wiswall
Cowee	Harrington	McArdle	Seaker	Witter

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act to amend the Code of Civil Procedure, in relation to stays on appeal from final orders in summary proceedings" (No. 7, Rec. No. 7), which was read the first time.

On motion of Mr. McWhinney, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER,
ALBANY.

To the Legislature: (Extraordinary Session)

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 7, Printed No. 7) entitled "An act to amend the Code of Civil Procedure, in relation to stays on appeal from final orders in summary proceedings."

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany this twenty-third
[L. s.] day of September in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 125

NOES 00

Those who voted in the affirmative were:

Adler	Cross	Harris	McCue	Seelbach
Ames D H	Cuvillier	Hausner	McGinnies	Simpson
Amos	Davies	Hawkins	McKee	Slacer
Barra	Dobson G A	Healey	McLaughlin J F	Smith C C
Baum	Doherty	Henderson	McLoughlin J J	Smith M L
Beasley	Donohoe	Hutchinson	McWhinney	Smith O J
Betts	Donohue	Jacobs	Mead	Soule
Blakely	Duke	Jeffery	Miller	Steinberg
Bloch	Easton	Jenks	Moore	Stitt
Blodgett	Evans	Jesse	Morrissey	Tallett
Bly	Everett	Judson	Moss	Trahan
Booth	Fearon	Kelly	Mullen	Tyler
Bourke	Fenner	Kenyon	Neary	Ullman
Brady	Forbell	Kiernan	Norton	Van Wagenen J
Brundage	Fox	Klingmann	Patrzykowski	VanWagenenSB

Burchill	Gage	Lattin	Peck	Wallace
Campbell	Gardner	Leininger	Pette	Walrath
Carroll J T	Gempler	Lentol	Reilly	Webb
Carroll W G	Gillette E V	Long	Reynaud	Wells
Caulfield	Gillett R H	Lord	Rice	Westall
Chamberlin	Griffith	Lown	Richford	Wheelock
Cheney	Hager	MacFarland	Ross	Whitcomb
Cole	Halpern	Machold	Rowe	Williams
Cosgrove	Hamill	Martin	Schwab	Wiswall
Cowee	Harrington	McArdle	Seaker	Witter

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

“An act to repeal chapter twenty of the Laws of nineteen hundred and twenty, and reappropriating certain funds to the Brooklyn State Hospital” (No. 45, Rec. No. 8), which was read the first time.

On motion of Mr. Machold, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,
ALBANY.

To the Legislature: (Extraordinary Session)

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 44, Printed No. 45) entitled “An act to repeal chapter twenty of the Laws of nineteen twenty and reappropriating certain funds to the Brooklyn State Hospital.”

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twenty-third
[L. S.] day of September in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 125

NOES 00

Those who voted in the affirmative were:

Adler	Cross	Harris	McCue	Seelbach
Ames D H	Cuvillier	Hausner	McGinnies	Simpson
Amos	Davies	Hawkins	McKee	Slacer
Barra	Dobson G A	Healey	McLaughlin J F	Smith C C
Baum	Doherty	Henderson	McLoughlin J J	Smith M L
Beasley	Donohoe	Hutchinson	McWhinney	Smith O J
Betts	Donohue	Jacobs	Mead	Soule
Blakely	Duke	Jeffery	Miller	Steinberg
Bloch	Easton	Jenks	Moore	Stitt
Blodgett	Evans	Jesse	Morrissey	Tallett
Bly	Everett	Judson	Moss	Trahan
Booth	Fearon	Kelly	Mullen	Tyler
Bourke	Fenner	Kenyon	Neary	Ullman
Brady	Forbell	Kiernan	Norton	Van Wagenen J
Brundage	Fox	Klingmann	Patrzykowski	VanWagenenSB
Burchill	Gage	Lattin	Peck	Wallace
Campbell	Gardner	Leininger	Pette	Walrath
Carroll J T	Gempler	Lentol	Reilly	Webb
Carroll W G	Gillette E V	Long	Reynaud	Wells
Caulfield	Gillett R H	Lord	Rice	Westall
Chamberlin	Griffith	Lown	Richard	Wheelock
Cheney	Hager	MacFarland	Ross	Whitcomb
Cole	Halpern	Machold	Rowe	Williams
Cosgrove	Hamill	Martin	Schwab	Wiswall
Cowee	Harrington	McArdle	Seaker	Witter

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act to provide for the construction, by the State, of a hospital for discharged soldiers, sailors and marines, from the State of New York, suffering from mental diseases, and making an appropriation therefor" (No. 35, Rec. No. 9), which was read the first time.

On motion of Mr. Machold, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,
ALBANY.

To the Legislature: (Extraordinary Session)

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 35, Printed No. 35) entitled "An act to provide for the construction, by the State, of a hospital for discharged soldiers, sailors and marines, from the State of New York, suffering from mental diseases, and making an appropriation therefor," as amended.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twenty-third
[L. s.] day of September in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 125

NOES 00

Those who voted in the affirmative were:

Adler	Cross	Harris	McCue	Seelbach
Ames D H	Cuvillier	Hausner	McGinnies	Simpson
Amos	Davies	Hawkins	McKee	Slacer
Barra	Dobson G A	Healey	McLaughlin J F	Smith C C
Baum	Doherty	Henderson	McLoughlin J J	Smith M L
Beasley	Donohoe	Hutchinson	McWhinney	Smith O J
Betts	Donohue	Jacobs	Mead	Soule
Blakely	Duke	Jeffery	Miller	Steinberg
Bloch	Easton	Jenks	Moore	Stitt
Blodgett	Evans	Jesse	Morrissey	Tallett
Bly	Everett	Judson	Moss	Trahan
Booth	Fearon	Kelly	Mullen	Tyler
Bourke	Fenner	Kenyon	Neary	Ullman
Brady	Forbell	Kiernan	Norton	VanWagenen J
Brundage	Fox	Klingmann	Patrzykowski	VanWagenen SB

Burchill	Gage	Lattin	Peck	Wallace
Campbell	Gardner	Leininger	Pette	Walrath
Carroll J T	Gempler	Lentol	Reilly	Webb
Carroll W G	Gillette E V	Long	Reynaud	Wells
Caulfield	Gillett R H	Lord	Rice	Westall
Chamberlin	Griffith	Lown	Richford	Wheelock
Cheney	Hager	MacFarland	Ross	Whitcomb
Cole	Halpern	Machold	Rowe	Williams
Cosgrove	Hamill	Martin	Schwab	Wiswall
Cowee	Harrington	McArdle	Seaker	Witter

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

“An act to amend the Greater New York charter, in relation to the issuance of certificates of indebtedness in the year nineteen hundred and twenty” (No. 28, Rec. No. 10), which was read the first time.

On motion of Mr. Donohue, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,
ALBANY.

To the Legislature: (Extraordinary Session)

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 28, Printed No. 28) entitled “An act to amend the Greater New York charter, in relation to the issuance of certificates of indebtedness in the year nineteen hundred and twenty.”

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twenty-third
[L. s.] day of September in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,

Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate

passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 125

NOES 00

Those who voted in the affirmative were:

Adler	Cross	Harris	McCue	Seelbach
Ames D H	Cuvillier	Hausner	McGinnies	Simpson
Amos	Davies	Hawkins	McKee	Slacer
Barra	Dobson G A	Healey	McLaughlin J F	Smith C C
Baum	Doherty	Henderson	McLoughlin J J	Smith M L
Beasley	Donohoe	Hutchinson	McWhinney	Smith O J
Betts	Donohue	Jacobs	Mead	Soule
Blakely	Duke	Jeffery	Miller	Steinberg
Bloch	Easton	Jenks	Moore	Stitt
Blodgett	Evans	Jesse	Morrissey	Tallett
Bly	Everett	Judson	Moss	Trahan
Booth	Fearon	Kelly	Mullen	Tyler
Bourke	Fenner	Kenyon	Neary	Ullman
Brady	Forbell	Kiernan	Norton	Van Wagenen J
Brundage	Fox	Klingmann	Patrzykowski	VanWagenenSB
Burchill	Gage	Lattin	Peck	Wallace
Campbell	Gardner	Leiningner	Pette	Walrath
Carroll J T	Gempler	Lentol	Reilly	Webb
Carroll W G	Gillette E V	Long	Reynaud	Wells
Caulfield	Gillett R H	Lord	Rice	Westall
Chamberlin	Griffith	Lown	Richford	Wheelock
Cheney	Hager	MacFarland	Ross	Whitcomb
Cole	Halpern	Machold	Rowe	Williams
Cosgrove	Hamill	Martin	Schwab	Wiswall
Cowee	Harrington	McArdle	Seaker	Witter

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

“An act to amend the Greater New York charter, in relation to use of the proceeds of bond issues” (No. 27, Rec. No. 11), which was read the first time.

On motion of Mr. Fearon, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,
ALBANY.

To the Legislature: (Extraordinary Session)

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section

fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 27, Printed No. 27) entitled "An act to amend the Greater New York charter, in relation to use of the proceeds of bond issues," as amended.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twenty-third, [L. s.] day of September in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,

Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 125

NOES 00

Those who voted in the affirmative were:

Adler	Cross	Harris	McCue	Seelbach
Ames D H	Cuvillier	Hausner	McGinnies	Simpson
Amos	Davies	Hawkins	McKee	Slacer
Barra	Dobson G A	Healey	McLaughlin J F	Smith C C
Baum	Doherty	Henderson	McLoughlin J J	Smith M L
Beasley	Donohoe	Hutchinson	McWhinney	Smith O J
Betts	Donohue	Jacobs	Mead	Soule
Blakely	Duke	Jeffery	Miller	Steinberg
Bloch	Easton	Jenks	Moore	Stitt
Blodgett	Evans	Jesse	Morrissey	Tallett
Bly	Everett	Judson	Moss	Trahan
Booth	Fearon	Kelly	Mullen	Tyler
Bourke	Fenner	Kenyon	Neary	Ullman
Brady	Forbell	Kiernan	Norton	VanWagenenSB
Brundage	Fox	Klingmann	Patrzykowski	VanWagenen J
Burchill	Gage	Lattin	Peck	Wallace
Campbell	Gardner	Leininger	Pette	Walrath
Carroll J T	Gempler	Lentol	Reilly	Webb
Carroll W G	Gillette E V	Long	Reynaud	Wells
Caulfield	Gillett R H	Lord	Rice	Westall
Chamberlin	Griffith	Lown	Richford	Wheelock
Cheney	Hager	MacFarland	Ross	Whitcomb
Cole	Halpern	Machold	Rowe	Williams
Cosgrove	Hamill	Martin	Schwab	Wiswall
Cowee	Harrington	McArdle	Seaker	Witter

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

“An act providing for the preparation and publication of an official index of the Civil Practice Act, other acts relative to civil practice, and the civil practice rules, and making an appropriation therefor” (No. 37, Rec. No. 12), which was read the first time.

On motion of Mr. Fearon, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,
ALBANY.

To the Legislature: (Extraordinary Session)

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 37, Printed No. 37) entitled “An act providing for the preparation and publication of an official index of the Civil Practice Act, other acts relative to civil practice, and the civil practice rules, and making an appropriation therefor.”

GIVEN under my hand and the Privy Seal of the State at
the Capitol in the City of Albany this twenty-third
[L. s.] day of September in the year of our Lord one thousand
nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,

Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 125

NOES 00

Those who voted in the affirmative were:

Adler	Cross	Harris	McCue	Seelbach
Ames D H	Cuvillier	Hausner	McGinnies	Simpson
Amos	Davies	Hawkins	McKee	Slacer
Barra	Dobson G A	Healey	McLaughlin J F	Smith C C
Baum	Doherty	Henderson	McLoughlin J J	Smith M L
Beasley	Donohoe	Hutchinson	McWhinney	Smith O J
Betts	Donohue	Jacobs	Mead	Soule
Blakely	Duke	Jeffery	Miller	Steinberg
Bloch	Easton	Jenks	Moore	Stitt
Blodgett	Evans	Jesse	Morrissey	Tallett
Bly	Everett	Judson	Moss	Trahan
Booth	Fearon	Kelly	Mullen	Tyler
Bourke	Fenner	Kenyon	Neary	Ullman
Brady	Forbell	Kiernan	Norton	Van Wagenen J
Brundage	Fox	Klingmann	Patrzykowski	Van Wagenen SB
Burchill	Gage	Lattin	Peck	Wallace
Campbell	Gardner	Leininger	Pette	Walrath
Carroll J T	Gempler	Lentol	Reilly	Webb
Carroll W G	Gillette E V	Long	Reynaud	Wells
Caulfield	Gillett R H	Lord	Rice	Westall
Chamberlin	Griffith	Lown	Richford	Wheelock
Cheney	Hager	MacFarland	Ross	Whitecomb
Cole	Halpern	Machold	Rowe	Williams
Cosgrove	Hamill	Martin	Schwab	Wiswall
Cowee	Harrington	McArdle	Seaker	Witter

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

By unanimous consent, the following bills were introduced:

By Mr. Evans: "An act in relation to summary proceedings to recover the possession of real property in cities of the first class, or in cities in a county adjoining a city of the first class during the existing emergency" (Int. No. 61), which was read the first time, and referred to the committee on affairs of cities, and a copy sent to the committee on codes with authority to report its opinion thereon.

Also, "An act in relation to defenses in actions based upon unjust, unreasonable and oppressive agreements for rent of premises occupied for dwelling purposes in cities of the first class, or in cities in a county adjoining a city of the first class (Int. No. 62), which was read the first time, and referred to the committee on affairs of cities, and a copy sent to the committee on codes with authority to report its opinion thereon.

Also, "An act to amend the Code of Civil Procedure, in relation to summary proceedings to recover the possession of real property in cities of the first class, and in cities of a county adjoining a city of the first class" (Int. No. 63), which was read the first time, and referred to the committee on affairs of cities, and a copy sent to the committee on codes with authority to report its opinion thereon.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *September 23, 1920.*

Urging the Federal Trade Commission of the United States to conduct an investigation relative to the cost of materials, etc., entering into the construction of dwellings and business structures, and requesting the Congress of the United States to provide appropriate legislation in respect thereof.

Be it Resolved (if the Assembly concur), That the Federal Trade Commission be and hereby is respectfully and earnestly requested to conduct an immediate investigation of the costs of materials and all things entering into the construction of dwellings, apartments, and all kinds of buildings devoted to housing and business with a view to disclosing the normal cost thereof, and that in the event such investigation discloses illegal practices that it transmit the evidence adduced to the proper authorities for action; be it further

Resolved, That the Congress of the United States be and hereby is respectfully and urgently requested to provide with all convenient speed such appropriate legislation as will effectually deal with the conditions disclosed by such investigation and provide for the punishment of the offenders against the peace, health, and prosperity of the people of the United States.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the concurrent resolution in relation to the enactment of necessary legislation to grant priority to shipments of building material, with a message that they have concurred in the passage of the same.

The Senate returned the concurrent resolution in relation to the combinations leading to prohibitive cost of building material,

and the investigation of such methods, with a message that they have concurred in the passage of the same without amendment.

By unanimous consent, the fact that Mr. Ullman was unavoidably absent at the time that the vote was taken on the qualifications of the Socialist members, and would, if present, have voted in the negative on the resolutions for their expulsion was ordered spread upon the journal.

By unanimous consent, the fact that Mr. Steinberg was unavoidably absent at the time that the vote was taken on the qualifications of the Socialist members, and would, if present, have voted in the negative on the resolution for their expulsion was ordered spread upon the journal.

On motion of Mr. Adler, the House adjourned until Friday, September 24th, at ten o'clock A. M.

FRIDAY, SEPTEMBER 24, 1920

The House met pursuant to adjournment.

Prayer by Rev. Creighton R. Storey.

On motion of Mr. Adler, the reading of the journal of yesterday was dispensed with and the same was approved.

Mr. Cuvillier introduced a bill entitled "Concurrent resolution of the Senate and Assembly proposing an amendment to the Constitution in relation to State debts" (Int. No. 64), which was read the first time and referred to the committee on the judiciary.

Also, "An act to amend the Greater New York charter, in relation to the alteration, removal or demolition of buildings occupied as a home by one or more families for the purpose of using such buildings, or the land on which such buildings are located for garages, theatres or other business enterprises, the extension of powers of superintendents of buildings in issuing or granting building permits, and the making of rules and regulations defining and classifying non-essential industries and business buildings" (Int. No. 65), which was read the first time and referred to the committee on affairs of cities.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,
ALBANY.

September 24, 1920.

To the Legislature:

I hereby recommend the enactment of legislation making appropriations for the support of the government, in such items as may be necessary at this time.

(Signed) ALFRED E. SMITH.

On motion of Mr. Adler, the House took a recess until 12 o'clock, Noon.

TWELVE O'CLOCK, NOON.

The House again convened.

By unanimous consent, the following bills were introduced:

By Mr. Slacer: "An act to amend the General City Law, in relation to the powers of cities of the first and second class, providing for the establishment of a municipal savings and loan fund to aid in solving the housing problem" (Int. No. 66), which was read the first time and referred to the committee on affairs of cities.

By Mr. Amos: "An act to amend the General City Law, in relation to the power of cities to acquire, maintain, lease and sell lands and buildings for dwelling purposes" (Int. No. 67), which was read the first time and referred to the committee on affairs of cities.

The Senate sent for concurrence the following entitled bills:

"An act making appropriations for emergencies for the current fiscal year, supplying deficiencies in former appropriations, and other expenses of government" (No. 49, Rec. No. 13), which was read the first time.

On motion of Mr. Machold, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,
ALBANY.

To the Legislature: (Extraordinary Session)

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 47, Printed No. 49) entitled "An act making appropriations for emergencies for the current fiscal year, supplying deficiencies in former appropriations, and other expenses of government."

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twenty-fourth [L. s.] day of September in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,

Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Adler	Davies	Hawkins	McGinnies	Simpson
Ames D H	Dimin	Healey	McKee	Slacer
Amos	Dobson F	Henderson	McLaughlin J F	Smith O C
Barra	Dobson G A	Hunter	McLoughlin J J	Smith M L
Baum	Doherty	Hutchinson	McWhinney	Smith O J
Beasley	Donohoe	Jacobs	Mead	Soule
Betts	Donohue	Jeffery	Miller	Steinberg
Blakely	Downs	Jenks	Moore	Stitt
Blodgett	Easton	Jesse	Morrissey	Tallett
Bloomfield	Evans	Judson	Moss	Taylor
Bly	Everett	Kelly	Mullen	Trahan
Booth	Fearon	Kenyon	Neary	Tyler
Bourke	Fenner	Kiernan	Norton	Ullman

Brady	Forbell	Klingmann	Peck	VanWagenen J
Brundage	Fox	Lattin	Pellet	VanWagenenSB
Burchill	Gage	Lee	Pette	Wallace
Campbell	Gardner	Leininger	Reilly	Walrath
Carroll J T	Gempler	Lentol	Reynaud	Webb
Carroll W G	Gillette E V	Lindsay	Rice	Wells
Caulfield	Gillett R H	Long	Richford	Westall
Chamberlin	Griffith	Lord	Roosevelt	Wheelock
Cheney	Hager	MacFarland	Ross	Whitcomb
Cole	Halpern	Machold	Rowe	Williams
Cosgrove	Hamill	Martin	Schwab	Wilson
Cowee	Harrington	McCue	Seaker	Wiswall
Cross	Harris	McDonald	Seelbach	Witter
Cuvillier	Hausner			

Ordered, That the Clerk return said bill to the Senate. with a message that the Assembly have concurred in the passage of the same.

“An act to amend the Public Service Commissions Law, in relation to the general powers of commissions to suspend rates of telegraph and telephone corporations” (No. 53, Rec. No. 14), which was read the first time.

On motion of Mr. Fearon, and by unanimous consent, said bill was read the second time and ordered to a third reading.

Mr. Fearon moved that said bill be recommitted to the committee on affairs of cities with instructions to report the same forthwith amended as follows:

Page 3, line 4, strike out all the line after the comma, and on line 5 strike out “thirty days after such filing”.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Fearon, from the committee on affairs of cities, reported said bill amended as directed, and the same was ordered reprinted and placed on the order of third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,
ALBANY.

To the Legislature: (Extraordinary Session)

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to

the necessity of the immediate passage of Senate bill (Int. No. 48, Printed No. 53, Assembly Reprint No. 69) entitled "An act to amend the Public Service Commissions Law, in relation to the general powers of commissions to suspend rates of telegraph and telephone corporations."

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twenty-fourth [L. s.] day of September in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,

Secretary to the Governor.

Said bill, as amended, was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 1

Those who voted in the affirmative were:

Adler	Dimin	Hawkins	McGinnies	Simpson
Ames D H	Dobson F	Healey	McKee	Slacer
Amos	Dobson G A	Henderson	McLaughlin J F	Smith C C
Barra	Doherty	Hunter	McLoughlin J J	Smith M L
Baum	Donohoe	Hutchinson	McWhinney	Smith O J
Beasley	Donohue	Jacobs	Mead	Soule
Blakely	Downs	Jeffery	Miller	Steinberg
Blodgett	Easton	Jenks	Moore	Stitt
Bloomfield	Evans	Jesse	Morrissey	Tallett
Bly	Everett	Judson	Moss	Taylor
Booth	Fearon	Kelly	Mullen	Trahan
Bourke	Fenner	Kenyon	Neary	Tyler
Brady	Forbell	Kiernan	Norton	Ullman
Brundage	Fox	Klingmann	Peck	VanWagenen J
Burchill	Gage	Lattin	Pellet	VanWagenen SR
Campbell	Gardner	Lee	Pette	Wallace
Carroll J T	Gempler	Leininger	Reilly	Walrath
Carroll W G	Gillette E V	Lentol	Reynaud	Webb
Caulfield	Gillett R H	Lindsay	Rice	Wells
Chamberlin	Griffith	Long	Richford	Westall
Cheney	Hager	Lord	Roosevelt	Wheelock
Cole	Halpern	MacFarland	Ross	Whitcomb

Cosgrove	Hamill	Machold	Rowe	Williams
Cowee	Harrington	Martin	Schwab	Wilson
Cross	Harris	McCue	Seaker	Wiswall
Cuvillier	Hausner	McDonald	Seelbach	Witter
Davies				

In the negative:

Betts

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

“An act to amend the Code of Civil Procedure, in relation to actions to recover the possession of real property in certain cities and to repeal section fifteen hundred and thirty-one-a thereof” (No. 50, Rec. No. 15), which was read the first time.

On motion of Mr. Donohue, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,
ALBANY.

To the Legislature: (Extraordinary Session)

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. —, Printed No. 50) entitled “An act to amend the Code of Civil Procedure, in relation to actions to recover the possession of real property in certain cities and to repeal section fifteen hundred and thirty-one-a thereof.”

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twenty-fourth
[L. S.] day of September in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,

Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree

to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 1

Those who voted in the affirmative were:

Adler	Dimin	Hawkins	McGinnies	Simpson
Ames D H	Dobson F	Healey	McKee	Slacer
Amos	Dobson G A	Henderson	McLaughlin J F	Smith C C
Barra	Doherty	Hunter	McLoughlin J J	Smith M L
Baum	Donohoe	Hutchinson	McWhinney	Smith O J
Beasley	Donohue	Jacobs	Mead	Soule
Blakely	Downs	Jeffery	Miller	Steinberg
Blodgett	Easton	Jenks	Moore	Stitt
Bloomfield	Evans	Jesse	Morrissey	Tallett
Bly	Everett	Judson	Moss	Taylor
Booth	Fearon	Kelly	Mullen	Trahan
Bourke	Fenner	Kenyon	Neary	Tyler
Brady	Forbell	Kiernan	Norton	Ullman
Brundage	Fox	Klingmann	Peck	VanWagenen J
Burchill	Gage	Lattin	Pellet	VanWagenenSB
Campbell	Gardner	Lee	Pette	Wallace
Carroll J T	Gempler	Leininger	Reilly	Walrath
Carroll W G	Gillette E V	Lentol	Reynaud	Webb
Caulfield	Gillett R H	Lindsay	Rice	Wells
Chamberlin	Griffith	Long	Richford	Westall
Cheney	Hager	Lord	Roosevelt	Wheelock
Cole	Halpern	MacFarland	Ross	Whitcomb
Cosgrove	Hamill	Machold	Rowe	Williams
Cowee	Harrington	Martin	Schwab	Wilson
Cross	Harris	McCue	Seaker	Wiswall
Cuvillier	Hausner	McDonald	Seelbach	Witter
Davies				

In the negative:

Betts

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act to amend chapter one hundred and thirty-seven of the Laws of nineteen hundred and twenty, entitled 'An act in relation to summary proceedings to recover the possession of real property in cities of the first class or in cities in a county adjoining a city of the first class during the existing emergency,' in relation to the application of such act" (No. 52, Rec. No. 16), which was read the first time.

On motion of Mr. Adler, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,
ALBANY.

To the Legislature: (Extraordinary Session)

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 49, Printed No. 52) entitled "An act to amend chapter one hundred and thirty-seven of the Laws of nineteen hundred and twenty, entitled 'An act in relation to summary proceedings to recover the possession of real property in cities of the first class, or in cities in a county adjoining a city of the first class during the existing emergency,' in relation to the application of such act."

GIVEN under my hand and the Privy Seal of the State at
the Capitol in the City of Albany this twenty-fourth
[L. s.] day of September in the year of our Lord one thousand
nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Said bill was then read the third time:

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 1

Those who voted in the affirmative were:

Adler	Dimin	Hawkins	McGinnies	Simpson
Ames D H	Dobson F	Healey	McKee	Slacer
Amos	Dobson G A	Henderson	McLaughlin J F	Smith C O

Barra	Doherty	Hunter	McLoughlin J J	Smith M L
Baum	Donohoe	Hutchinson	McWhinney	Smith O J
Beasley	Donohue	Jacobs	Mead	Soule
Blakely	Downs	Jeffery	Miller	Steinberg
Blodgett	Easton	Jenks	Moore	Stitt
Bloomfield	Evans	Jesse	Morrissey	Tallett
Bly	Everett	Judson	Moss	Taylor
Booth	Fearon	Kelly	Mullen	Trahan
Bourke	Fenner	Kenyon	Neary	Tyler
Brady	Forbell	Kiernan	Norton	Ullman
Brundage	Fox	Klingmann	Peck	VanWagenen J
Burchill	Gage	Lattin	Pellet	VanWagenenSB
Campbell	Gardner	Lee	Pette	Wallace
Carroll J T	Gempler	Leininger	Reilly	Walrath
Carroll W G	Gillette E V	Lentol	Reynaud	Webb
Caulfield	Gillett R H	Lindsay	Rice	Wells
Chamberlin	Griffith	Long	Richford	Westall
Cheney	Hager	Lord	Roosevelt	Wheelock
Cole	Halpern	MacFarland	Ross	Whitcomb
Cosgrove	Hamill	Machold	Rowe	Williams
Cowee	Harrington	Martin	Schwab	Wilson
Cross	Harris	McCue	Seaker	Wiswall
Cuvillier	Hausner	McDonald	Seelbach	Witter
Davies				

In the negative:

Betts

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act to amend the Code of Civil Procedure, in relation to summary proceedings to recover the possession of real property in cities of the first class, and in cities in a county adjoining a city of the first class for default in the payment of rent" (No. 58, Rec. No. 17), which was read the first time.

On motion of Mr. Donohue, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,
ALBANY.

To the Legislature: (Extraordinary Session)

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 4, Printed No. 4) entitled "An act to amend the Code of

Civil Procedure, in relation to summary proceedings to recover the possession of real property in cities of the first class and in cities in a county adjoining a city of the first class, for default in the payment of rent," as amended.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twenty-fourth day of September in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 2

Those who voted in the affirmative were:

Adler	Dimin	Hawkins	McDonald	Seelbach
Ames D H	Dobson F	Healey	McGinnies	Simpson
Amos	Dobson G A	Henderson	McKee	Slacer
Barra	Doherty	Hunter	McLaughlin J F	Smith C C
Baum	Donohoe	Hutchinson	McLoughlin J J	Smith M L
Beasley	Donohue	Jacobs	McWhinney	Smith O J
Blakely	Downs	Jeffery	Mead	Soule
Blodgett	Easton	Jenks	Miller	Steinberg
Bloomfield	Evans	Jesse	Moore	Stitt
Bly	Everett	Judson	Morrissey	Tallett
Booth	Fearon	Kelly	Moss	Taylor
Bourke	Fenner	Kenyon	Mullen	Tyler
Brady	Forbell	Kiernan	Neary	Ullman
Brundage	Fox	Klingmann	Norton	VanWagenen J
Burchill	Gage	Lattin	Peck	VanWagenenSB
Campbell	Gardner	Lee	Pellet	Wallace
Carroll J T	Gempler	Leininger	Pette	Walrath
Carroll W G	Gillette E V	Lentol	Reilly	Webb
Caulfield	Gillett R H	Lindsay	Reynaud	Wells
Chamberlin	Griffith	Long	Rice	Westall
Cheney	Hager	Lord	Richford	Wheelock
Cole	Halpern	MacFarland	Roosevelt	Whitcomb
Cosgrove	Hamill	Machold	Ross	Williams
Cowee	Harrington	Martin	Rowe	Wilson
Cross	Harris	McArdle	Schwab	Wiswall
Cuvillier	Hausner	McCue	Seaker	Witter
Davies				

Those who voted in the negative were:

Betts

Trahan

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act to amend the Code of Civil Procedure, in relation to the jurisdiction of justices of the peace in certain cities of the second class" (No. 51, Rec. No. 18), which was read the first time.

On motion of Mr. Donohue, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,
ALBANY.

To the Legislature: (Extraordinary Session)

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 51, Printed No. 51) entitled "An act to amend the Code of Civil Procedure, in relation to the jurisdiction of justices of the peace in certain cities of the second class."

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twenty-fourth
[L. S.] day of September in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,

Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 1

Those who voted in the affirmative were:

Adler	Dimin	Hawkins	McGinnies	Simpson
Ames D H	Dobson F	Healey	McKee	Slacer
Amos	Dobson G A	Henderson	McLaughlin J F	Smith C C
Barra	Doherty	Hunter	McLoughlin J J	Smith M L
Baum	Donohoe	Hutchinson	McWhinney	Smith O J
Beasley	Donohue	Jacobs	Mead	Soule
Blakely	Downs	Jeffery	Miller	Steinberg
Blodgett	Easton	Jenks	Moore	Stitt
Bloomfield	Evans	Jesse	Morrissey	Tallett
Bly	Everett	Judson	Moss	Taylor
Booth	Heaton	Kelly	Mullen	Trahan
Bourke	Fenner	Kenyon	Neary	Tyler
Brady	Forbell	Kiernan	Norton	Ullman
Brundage	Fox	Klingmann	Peck	VanWagenen J
Burchill	Gage	Lattin	Pellet	VanWagenenSB
Campbell	Gardner	Lee	Pette	Wallace
Carroll J T	Gempler	Leininger	Reilly	Walrath
Carroll W G	Gillette E V	Lentol	Reynaud	Webb
Caulfield	Gillett R H	Lindsay	Rice	Wells
Chamberlin	Griffith	Long	Richford	Westall
Cheney	Hager	Lord	Roosevelt	Wheelock
Cole	Halpern	MacFarland	Ross	Whitcomb
Cosgrove	Hamill	Machold	Rowe	Williams
Cowee	Harrington	Martin	Schwab	Wilson
Cross	Harris	McCue	Seaker	Wiswall
Cuvillier	Hausner	McDonald	Seelbach	Witter
Davies				

In the negative:

Betts

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act to amend the Tax Law, in relation to exempting interest on mortgages and certain other securities from taxation as personal income" (No. 56, Rec. No. 19), which was read the first time.

On motion of Mr. Adler, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,
ALBANY.

To the Legislature: (Extraordinary Session)

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section

fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 1, Printed No. 1) entitled "An act to amend the Tax Law, in relation to exempting interest on mortgages and certain other securities from taxation as personal income," as amended.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twenty-fourth [L. S.] day of September in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,

Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 64

NOES 42

Those who voted in the affirmative were:

Adler	Doherty	Jacobs	McCue	Schwab
Amos	Donohue	Jesse	McDonald	Seelbach
Baum	Evans	Kelly	McLaughlin J F	Simpson
Bloch	Fearon	Kiernan	McLoughlin J J	Smith M L
Bly	Forbell	Klingmann	Mead	Smith O J
Bourke	Fox	Lee	Mullen	Steinberg
Burchill	Gardner	Leininger	Pellet	Stitt
Carroll J T	Gempler	Lentol	Pette	Taylor
Carroll W G	Gillette E V	Lindsay	Reilly	Ullman
Caulfield	Griffith	Lord	Reynaud	VanWagenenSB
Cheney	Halpern	Machold	Rice	Wallace
Cuvillier	Hamill	Martin	Roosevelt	Wells
Dimin	Hawkins	McArdle	Ross	

Those who voted in the negative were:

Ames D H	Donohoe	Hutchinson	Moore	Webb
Betts	Fenner	Jeffery	Morrissey	Westall
Booth	Flynn	Jenks	Neary	Wheelock
Brady	Hager	Judson	Norton	Whitcomb
Brundage	Harrington	Long	Slacer	Williams
Campbell	Harris	MacFarland	Smith C C	Wilson
Cosgrove	Hausner	McKee	Soule	Wiswall
Cowee	Healey	Miller	Walrath	Witter
Dobson G A	Henderson			

"An act to amend the Tax Law, in relation to the exemption from local taxation of new buildings planned for dwelling purposes" (No. 57, Rec. No. 20), which was read the first time.

On motion of Mr. Adler, and by unanimous consent, said bill was read the second time and ordered to a third reading

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,
ALBANY.

To the Legislature: (Extraordinary Session)

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 2, Printed No. 39) entitled "An act to amend the Tax Law, in relation to the exemption from local taxation of new buildings planned for dwelling purposes," as amended.

GIVEN under my hand and the Privy Seal of the State at
the Capitol in the City of Albany this twenty-fourth
[L. S.] day of September in the year of our Lord one thousand
nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 5

Those who voted in the affirmative were:

Adler	Davies	Hawkins	McKee	Simpson
Ames D H	Dimin	Healey	McLaughlin J F	Smith C C
Amos	Dobson F	Henderson	McLoughlin J J	Smith M L
Barra	Dobson G A	Hunter	McWhinney	Smith O J
Baum	Donohoe	Hutchinson	Mead	Soule
Beasley	Donohue	Jacobs	Miller	Steinberg
Blakely	Downs	Jeffery	Moore	Stitt
Bloch	Easton	Jenks	Morrissey	Tallett
Blodgett	Evans	Jesse	Moss	Taylor
Bloomfield	Everett	Kelly	Mullen	Trahan
Bly	Fearon	Kenyon	Neary	Tyler
Booth	Forbell	Kiernan	Norton	Ullman
Bourke	Fox	Klingmann	Peck	VanWagenen J
Brundage	Gage	Lattin	Pellet	VanWagenenSB
Burchill	Gardner	Lee	Pette	Wallace
Campbell	Gempler	Leininger	Reilly	Walrath
Carroll J T	Gillette E V	Lentol	Reynaud	Webb
Carroll W G	Gillett R H	Lindsay	Rice	Wells
Caulfield	Griffith	Long	Richford	Westall
Chamberlin	Hager	Lord	Roosevelt	Wheelock
Cheney	Halpern	MacFarland	Ross	Whitcomb
Cole	Hamill	Machold	Rowe	Williams
Cosgrove	Harrington	Martin	Schwab	Wilson
Cowee	Harris	McCue	Seaker	Wiswall
Cross	Hausner	McDonald	Seelbach	Witter
Cuvillier		McGinnies		

Those who voted in the negative were:

Betts	Brady	Fenner	Judson	Slacer
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Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

“An act to amend the Code of Civil Procedure, in relation to summary proceedings to recover the possession of real property in cities of a population of one million or more, and in cities in a county adjoining such a city” (No. 60, Rec. No. 21), which was read the first time.

Mr. Fearon moved to amend as follows:

Page 2, line 9, before the word “to” insert in italics “where the petition shows to the satisfaction of the court that he desires in good faith”.

Page 2, line 11, before the period insert in italics “; or a proceeding to recover premises constituting a part of a building and land which has been in good faith sold to a corporation formed under a cooperative ownership plan whereof the entire stock shall

be held by the stockholders in proportion to the number of rooms occupied or to be occupied by them in such building and all apartments or flats therein have been leased to stockholders of such corporation for their own personal, exclusive and permanent occupancy to begin immediately upon the termination of any tenancy of the apartments or flats leased by them existing on the date when this subdivision takes effect."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

On motion of Mr. Fearon, and by unanimous consent, said bill, as amended, was then read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,
ALBANY.

To the Legislature: (Extraordinary Session)

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 25, Assembly Reprint No. 68, Printed No. 25) entitled "An act to amend the Code of Civil Procedure, in relation to summary proceedings to recover the possession of real property in cities of the first class and in cities in a county adjoining a city of the first class, and to repeal chapter one hundred and thirty-seven of the Laws of nineteen hundred and twenty, entitled 'An act in relation to summary proceedings to recover the possession of real property in cities of the first class, or in cities in a county adjoining a city of the first class during the existing emergency.'"

GIVEN under my hand and the Privy Seal of the State at
the Capitol in the City of Albany this twenty-fourth
[L. S.] day of September in the year of our Lord one thousand
nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Said bill, as amended, was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 1

Those who voted in the affirmative were:

Adler	Dimin	Hawkins	McGinnies	Simpson
Ames D H	Dobson F	Healey	McKee	Slacer
Amos	Dobson G A	Henderson	McLaughlin J F	Smith C C
Barra	Doherty	Hunter	McLoughlin J J	Smith M L
Baum	Donohoe	Hutchinson	McWhinney	Smith O J
Beasley	Donohue	Jacobs	Mead	Soule
Blakely	Downs	Jeffery	Miller	Steinberg
Blodgett	Easton	Jenks	Moore	Stitt
Bloomfield	Evans	Jesse	Morrissey	Tallett
Bly	Everett	Judson	Moss	Taylor
Booth	Fearon	Kelly	Mullen	Trahan
Bourke	Fenner	Kenyon	Neary	Tyler
Brady	Forbell	Kiernan	Norton	Ullman
Brundage	Fox	Klingmann	Peck	VanWagenen J
Burchill	Gage	Lattin	Pellet	VanWagenenSB
Campbell	Gardner	Lee	Pette	Wallace
Carroll J T	Gempler	Leininger	Reilly	Walrath
Carroll W G	Gillette E V	Lentol	Reynaud	Webb
Caulfield	Gillett R H	Lindsay	Rice	Wells
Chamberlin	Griffith	Long	Richford	Westall
Cheney	Hager	Lord	Roosevelt	Wheelock
Cole	Halpern	MacFarland	Ross	Whitcomb
Cosgrove	Hamill	Machold	Rowe	Williams
Cowee	Harrington	Martin	Seaker	Wilson
Cross	Harris	McCue	Schwab	Wiswall
Cuvillier	Hausner	McDonald	Seelbach	Witter
Davies				

In the negative:

Betts

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same with amendments.

"An act to amend the State Finance Law, in relation to temporary loans and revenue bonds" (No. 61, Rec. No. 22), which was read the first time.

Mr. Machold moved to amend as follows:

Page 2 of the engrossed bill strike out the words inserted on line 21, page 2, "not exceeding six and one-half per centum".

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

On motion of Mr. Machold, and by unanimous consent, said bill, as amended, was then read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,
ALBANY.

To the Legislature: (Extraordinary Session)

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 15, Assembly Reprint No. 70, Printed No. 15) entitled "An act to amend the State Finance Law, in relation to temporary loans and revenue bonds," as amended.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twenty-fourth
[L. s.] day of September in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,
Secretary to the Governor.

Said bill, as amended, was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Adler	Davies	Hawkins	McGinnies	Simpson
Ames D H	Dimin	Healey	McKee	Slacer
Amos	Dobson F	Henderson	McLaughlin J	FSmith C C

Barra	Dobson G A	Hunter	McLoughlin J J	Smith M L
Baum	Doherty	Hutchinson	McWhinney	Smith O J
Beasley	Donohoe	Jacobs	Mead	Soule
Betts	Donohue	Jeffery	Miller	Steinberg
Blakely	Downs	Jenks	Moore	Stitt
Blodgett	Easton	Jesse	Morrissey	Tallett
Bloomfield	Evans	Judson	Moss	Taylor
Bly	Everett	Kelly	Mullen	Trahan
Booth	Fearon	Kenyon	Neary	Tyler
Bourke	Fenner	Kiernan	Norton	Ullman
Brady	Forbell	Klingmann	Peck	VanWagenen J
Brundage	Fox	Lattin	Pellet	VanWagenenSB
Burchill	Gage	Lee	Pette	Wallace
Campbell	Gardner	Leininger	Reilly	Walrath
Carroll J T	Gempler	Lentol	Reynaud	Webb
Carroll W G	Gillette E V	Lindsay	Rice	Wells
Caulfield	Gillett R H	Long	Richford	Westall
Chamberlin	Griffith	Lown	Roosevelt	Wheelock
Cheney	Hager	MacFarland	Ross	Whitcomb
Cole	Halpern	Machold	Rowe	Williams
Cosgrove	Hamill	Martin	Schwab	Wilson
Cowee	Harrington	McCue	Seaker	Wiswall
Cross	Harris	McDonald	Seelbach	Witter
Cuvillier	Hausner			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same with amendments.

"An act to amend chapter one hundred and thirty-six of the Laws of nineteen hundred and twenty, entitled 'An act in relation to defenses in actions based upon unjust, unreasonable and oppressive agreements for rent of premises occupied for dwelling purposes in cities of the first class, or in cities in a county adjoining a city of the first class,' generally" (No. 59, Rec. No. 23), which was read the first time.

On motion of Mr. Fearon, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,
ALBANY.

To the Legislature: (Extraordinary Session)

It appearing to my satisfaction that the public interest requires it: THEREFORE, In accordance with the provisions of section fifteen of article three of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 5, Printed No. 5) entitled "An act to amend chapter one

hundred and thirty-six of the Laws of nineteen hundred and twenty, entitled 'An act in relation to defenses in actions based upon unjust, unreasonable and oppressive agreements for rent of premises occupied for dwelling purposes in cities of the first class, or in cities in a county adjoining a city of the first class,' generally," as amended.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twenty-fourth [L. s.] day of September in the year of our Lord one thousand nine hundred and twenty.

(Signed) ALFRED E. SMITH.

By the Governor:

JEREMIAH F. CONNOR,

Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 130

NOES 2

Those who voted in the affirmative were:

Adler	Cuvillier	Hausner	McDonald	Seelbach
Ames D H	Davies	Hawkins	McGinnies	Simpson
Amos	Dimin	Healey	McKee	Slacer
Barra	Dobson F	Henderson	McLaughlin J F	Smith C C
Baum	Dobson G A	Hunter	McLoughlin J J	Smith M L
Beasley	Doherty	Hutchinson	McWhinney	Smith O J
Elakely	Donohoe	Jacobs	Mead	Soule
Blodgett	Donohue	Jeffery	Miller	Steinberg
Bloomfield	Downs	Jenks	Moore	Stitt
Bly	Evans	Jesse	Morrissey	Tallett
Booth	Everett	Judson	Moss	Taylor
Bourke	Fearon	Kelly	Mullen	Tyler
Brady	Fenner	Kenyon	Neary	Ullman
Brundage	Forbell	Kiernan	Norton	VanWagenen J
Burchill	Fox	Klingmann	Peck	VanWagenenSB
Campbell	Gage	Lattin	Pellet	Wallace
Carroll J T	Gardner	Lee	Pette	Walrath
Carroll W G	Gempler	Leininger	Reilly	Webb
Caulfield	Gillette E V	Lentol	Reynaud	Wells
Chamberlin	Gillett R H	Lindsay	Rice	Westall
Cheney	Griffith	Long	Richford	Wheelock

Cole	Hager	Lord	Roosevelt	Whitcomb
Cosgrove	Halpern	MacFarland	Ross	Williams
Ccwee	Hamill	Machold	Rowe	Wilson
Cross	Harrington	Martin	Schwab	Wiswall
Crowley	Harris	McCue	Seaker	Witter

Those who voted in the negative were:

Betts Trahan

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act to amend the Greater New York charter, in relation to the design, construction, purchase and operation of omnibuses in the city of New York" (No. 54, Rec. No. 28), which was read the first time.

Objection being made to the advancement of said bill, ordered that it be referred to the committee on affairs of cities.

"An act to provide relief in an emergency existing in the city of New York, due to lack of housing; and to enable the city of New York to provide means to encourage the construction of new dwellings, apartment and tenement houses in said city, during such emergency" (No. 24, Rec. No. 29), which was read the first time.

Objection being made to the advancement of said bill, ordered that it be referred to the committee on affairs of cities.

"An act to amend the Tax Law, in relation to exemption from taxation where dwelling, tenement and apartment improvements are erected under the control and direction of a municipal board or commission as trustees to provide relief in emergency due to lack of housing in cities of the first class" (No. 21, Rec. No. 30), which was read the first time.

Objection being made to the advancement of said bill, ordered that it be referred to the committee on affairs of cities.

"An act to amend the General Business Law, in relation to rate of interest" (No. 23, Rec. No. 31), which was read the first time.

Objection being made to the advancement of said bill, ordered that it be referred to the committee on affairs of cities.

"An act to amend the Greater New York charter, relating to the administration of the sinking fund" (No. 28, Rec. No. 32), which was read the first time.

Objection being made to the immediate advancement of said bill, ordered that it be referred to the committee on affairs of cities.

“An act to amend the Greater New York charter, authorizing the mayor to appoint a director of housing” (No. 22, Rec. No. 33), which was read the first time.

Objection being made to the advancement of said bill, ordered that the same be referred to the committee on affairs of cities.

Mr. Jesse offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That there be printed for the use of the Legislature 2,000 additional copies of each of the housing bills, as passed.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Adler	Davies	Hawkins	McGinnies	Simpson
Ames D H	Dimin	Healey	McKee	Slacer
Amos	Dobson F	Henderson	McLaughlin J F	Smith C C
Barra	Dobson G A	Hunter	McLoughlin J J	Smith M L
Baum	Doherty	Hutchinson	McWhinney	Smith O J
Beasley	Donohoe	Jacobs	Mead	Soule
Betts	Donohue	Jeffery	Miller	Steinberg
Blakely	Downs	Jenks	Moore	Stitt
Blodgett	Easton	Jesse	Morrissey	Tallett
Bloomfield	Evans	Judson	Moss	Taylor
Bly	Everett	Kelly	Mullen	Trahan
Booth	Fearon	Kenyon	Neary	Tyler
Bourke	Fenner	Kiernan	Norton	Ullman
Brady	Forbell	Klingmann	Peck	VanWagenen J
Brundage	Fox	Lattin	Pellet	VanWagenen SB
Burchill	Gage	Lee	Pette	Wallace
Campbell	Gardner	Leininger	Reilly	Walrath
Carroll J T	Gempler	Lentol	Reynaud	Webb
Carroll W G	Gillette E V	Lindsay	Rice	Wells
Caulfield	Gillett R H	Long	Richford	Westall
Chamberlin	Griffith	Lord	Roosevelt	Wheelock
Cheney	Hager	MacFarland	Ross	Whitcomb
Cole	Halpern	Machold	Rowe	Williams
Cosgrove	Hamill	Martin	Schwab	Wilson
Cowee	Harrington	McCue	Seaker	Wiswall
Cross	Harris	McDonald	Seelbach	Witter
Cuvillier	Hausner			

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *September 24, 1920.*

Resolved (if the Assembly concur), That there be printed five thousand copies of the message of the Governor to the extraordinary session on the housing situation.

By order of the Senate,

ERNEST A. FAY,
Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Adler	Dimin	Hawkins	McGinnies	Simpson
Ames D H	Dobson F	Healey	McKee	Slacer
Amos	Dobson G A	Henderson	McLaughlin J F	Smith C C
Barra	Doherty	Hunter	McLoughlin J J	Smith M L
Baum	Donohoe	Hutchinson	McWhinney	Smith O J
Betts	Donohue	Jacobs	Mead	Soule
Blakely	Downs	Jeffery	Miller	Steinberg
Blodgett	Easton	Jenks	Moore	Stitt
Bloomfield	Evans	Jesse	Morrissey	Tallett
Bly	Everett	Judson	Moss	Taylor
Booth	Fearon	Kelly	Mullen	Trahan
Bourke	Fenner	Kenyon	Neary	Tyler
Brady	Forbell	Kiernan	Norton	Ullman
Brundage	Fox	Klingmann	Peck	VanWagenen J
Burchill	Gage	Lattin	Pellet	VanWagenenSB
Campbell	Gardner	Lee	Pette	Wallace
Carroll J T	Gempler	Leininger	Reilly	Walrath
Carroll W G	Gillette E V	Lentol	Reynaud	Webb
Caulfield	Gillett R II	Lindsay	Rice	Wells
Chamberlin	Griffith	Long	Richford	Westall
Cheney	Hager	Lord	Roosevelt	Wheelock
Cole	Halpern	MacFarland	Ross	Whitcomb
Cosgrove	Hamill	Machold	Rowe	Williams
Cowee	Harrington	Martin	Schwab	Wilson
Cross	Harris	McCue	Seaker	Wiswall
Cuvillier	Hausner	McDonald	Seelbach	Witter
Davies				

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, *September 24, 1920.*

By Mr. Lockwood:

Whereas, A joint legislative committee was heretofore constituted pursuant to resolutions duly adopted, April 18, 1919, and April 24, 1920, authorized to investigate and ascertain all housing conditions and causes for the lack of the construction of new houses, flats and apartments for occupancy or rent in cities, and especially in the city of New York; and

Whereas, It appears from the preliminary report of said committee that its investigations are unfinished and that the same cannot be concluded during this extraordinary session of the Legislature and that the resolution under which it is now acting is insufficient in its delegation of powers to permit of the scope of inquiry that is believed by the committee to be necessary; therefore, be it

Resolved (if the Assembly concur), That said resolutions be and the same hereby are amended and added to as follows:

Whereas, There has been and is continuing an alarming shortage in the number of new flats, apartments, tenement houses and homes for rent in the cities of the State, and especially in the city of New York, which has led to the cessation of building operations; and

Whereas, As a result of said shortage there are insufficient living accommodations for the people of such cities and such shortage has resulted in the exaction of exorbitant rents so that the people are unable to secure housing accommodations within their means; and

Whereas, It has been charged that these conditions are due, among other things, to the maintenance of exorbitant and fictitious prices of building materials caused by unlawful combinations, associations, agreements or understandings among manufacturers and dealers in building materials and to the inability to obtain or borrow money on bond and mortgage on such improvements; and

Whereas, It is imperative for the welfare of the State to, so far as possible, relieve the emergency that has thus been created by stimulating the construction of new buildings, and it is believed that in order to accomplish this, a program of corrective and constructive legislation will be necessary and that such program cannot be entered upon until there has been an exhaustive and proper inquiry into the causes of existing conditions; therefore, be it

Resolved (if the Assembly concur), That said joint committee be and is hereby continued, and that to such committee there be and hereby are delegated the further powers and duties in addition to those already conferred, to fully investigate and ascertain

housing conditions and causes for lack of construction of new houses, flats, tenement houses and apartments in the cities of the State and especially in the city of New York; the increases made in rents, and report fully the facts showing such lack of construction and accommodations and the extent of the increases in rents; to investigate and report whether or not the construction of such new buildings is in any way impeded or injuriously affected by the existence of one or more combinations, associations, agreements or understandings operating or transacting business within the State between manufacturers of and dealers in any of the materials or supplies that enter into the construction of buildings, or between individuals, groups or combinations of individuals, and to ascertain and report to what extent the decrease of such new building operations is due to withdrawal of loanable funds on mortgages on real property that was formerly available from corporations, associations, individuals, trustees or estates and the reasons therefor; and to ascertain and report fully the character of investments of such corporations, associations, individuals, trustees and estates, and the advantage, if any, to them of preferring other investments to bond and mortgages on real property; to examine into, ascertain, publicly disclose and fully report as to the practices and usages obtaining in businesses and trades concerned with the construction of dwelling structures, and among individuals, corporations, associations and groups of individuals dealing in or furnishing building supplies, materials and labor in the construction and repair of housing structures; and to include in its investigation and inquiry any other thing or matter, not specifically mentioned, deemed by said committee relevant or pertinent to the general question of providing housing accommodations for the people of the cities, and especially of the city of New York, as though mentioned in detail herein; and further

Resolved, That such committee is hereby authorized to choose from its members a chairman and such other officers as it may deem advisable; to conduct as a whole, or through subcommittees, at such places in the State as it may determine, such hearings and investigations, public or otherwise, as it may be advised during or between sessions of the Legislature; to employ necessary counsel, experts, accountants, bookkeepers, stenographers, clerical and other assistants; to summon and compel the attendance of witnesses; to compel the production of books, records, papers and documents of individuals, corporations, associations and other bodies of individuals; to administer oaths to witnesses; to have the assistance and co-operation of State officers and employees

and departments and access and freedom to and examination of their records as may be necessary in its investigations, and to have all the powers of a legislative committee provided by the legislative law; and further

Resolved, That the committee begin its sittings and investigations immediately and report the result thereof with its recommendations with all convenient speed to the Legislature; and further

Resolved, That the further sum of twenty-five thousand dollars, or so much thereof as may be necessary, be and hereby is appropriated from the contingent fund of the Legislature for the necessary expenses incurred and to be incurred by said committee, to be paid on vouchers approved and audited according to law.

By order of the Senate,

ERNEST A. FAY,

Clerk.

Mr. Wiswall moved to amend as follows:

After paragraph 6, bottom of page of preamble, insert: "Whereas, The cost of building materials is largely affected by the cost of the transportation thereof due to excessive rates and tariffs charged for the transportation of building materials either by rail or water, especially upon the canals of the State and the other navigable waters thereof and to excessive charges for the use of docks and piers controlled, leased or operated by private ownership along and upon the navigable waters of the State."

After 1st paragraph of resolution ending on page 3, insert: "Further resolved, That such committee is hereby authorized and directed to investigate the rates, tariffs, equipment and condition surrounding and pertaining to the towing business upon the navigable waters of this State including the canals, together with the dockage facilities and the rates and tariffs charged for the use thereof, in the ports and harbors and along the navigable streams and canals of the State."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said resolution, as amended, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 125

NOES 00

Those who voted in the affirmative were:

Adler	Cross	Harris	McCue	Seelbach
Ames D H	Cuvillier	Hausner	McGinnies	Simpson
Amos	Davies	Hawkins	McKee	Slacer
Barra	Dobson G A	Healey	McLaughlin J F	Smith C C
Baum	Doherty	Henderson	McLoughlin J J	Smith M L
Beasley	Donohoe	Hutchinson	McWhinney	Smith O J
Betts	Donohue	Jacobs	Mead	Soule
Blakely	Duke	Jeffery	Miller	Steinberg
Bloch	Easton	Jenks	Moore	Stitt
Blodgett	Evans	Jesse	Morrissey	Tallett
Bly	Everett	Judson	Moss	Trahan
Booth	Fearon	Kelly	Mullen	Tyler
Bourke	Fenner	Kenyon	Neary	Ullman
Brady	Forbell	Kiernan	Norton	VanWagenen J
Brundage	Fox	Klingmann	Patrzykowski	VanWagenenSB
Burchill	Gage	Lattin	Peck	Wallace
Campbell	Gardner	Leininger	Pette	Walrath
Carroll J T	Gempler	Lentol	Reilly	Webb
Carroll W G	Gillette E V	Long	Reynaud	Wells
Caulfield	Gillett R H	Lord	Rice	Westall
Chamberlin	Griffith	Lown	Richford	Wheelock
Cheney	Hager	MacFarland	Ross	Whitcomb
Cole	Halpern	Machold	Rowe	Williams
Cosgrove	Hamill	Martin	Schwab	Wiswall
Cowee	Harrington	McArdle	Seaker	Witter

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same with amendments.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *September 24, 1920.*

By Mr. Walters:

Resolved (if the Assembly concur), That this extraordinary session of the Legislature adjourn *sine die* at eight-thirty o'clock P. M. on the 24th of September, 1920.

By order of the Senate,

ERNEST A. FAY,

Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Donohue offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on affairs of cities be discharged from the further consideration of Senate bill (No. 54, Rec. No. 28) entitled "An act to amend the Greater New York charter, in relation to the design, construction, purchase and operation of omnibuses in the city of New York."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 58

NOES 35

Those who voted in the affirmative were:

Amos	Dimin	Halpern	Lindsay	Pette
Baum	Doherty	Hamill	Martin	Peilly
Bloch	Donohoe	Hawkins	McArdle	Reynaud
Bly	Donohue	Healey	McCue	Schwab
Bourke	Evans	Henderson	McDonald	Seelbach
Brundage	Everett	Jesse	McKee	Simpson
Burchill	Flynn	Kelly	McLaughlin J F	Steinberg
Carroll J T	Forbell	Kiernan	McLoughlin J J	Stitt
Carroll W G	Fox	Klingmann	Mullen	Taylor
Caulfield	Gempler	Lee	Neary	Ullman
Cosgrove	Gillette E V	Leininger	Pellet	Wallace
Cuvillier	Griffith	Lentol		

Those who voted in the negative were:

Adler	Dobson G A	Jacobs	Miller	Smith O J
Ames D H	Fearon	Jeffery	Moore	Trahan
Betts	Gardner	Jenks	Morrissey	Wells
Booth	Harris	Judson	Norton	Westall
Brady	Hausner	Long	Seaker	Whitcomb
Campbell	Harrington	Lord	Smith C C	Wiswall
Cowee	Hutchinson	Mead	Smith M L	Witter

Mr. Donohue offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on affairs of cities be discharged from the further consideration of Senate bill (No. 24, Rec. No. 29) entitled "An act to provide relief in an emergency existing in the city of New York, due to lack of housing; and to enable the city of New York to provide means to encourage the construction of new dwellings, apartment and tenement houses in said city, during such emergency."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the negative, a

majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 54

NOES 38

Those who voted in the affirmative were:

Amos	Dimin	Griffith	Lentol	Pette
Baum	Doherty	Halpern	Lindsay	Reilly
Bloch	Donohoe	Hamill	McArdle	Reynaud
Bly	Donohue	Hawkins	McCue	Schwab
Brundage	Evans	Healey	McDonald	Seelbach
Burchill	Everett	Henderson	McKee	Simpson
Carroll J T	Flynn	Jesse	McLaughlin J F	Steinberg
Carroll W G	Forbell	Kelly	McLoughlin J J	Taylor
Caulfield	Fox	Kiernan	Mullen	Ullman
Cosgrove	Gempler	Klingmann	Neary	Wallace
Cuvillier	Gillette E V	Leininger	Pellet	

Those who voted in the negative were:

Adler	Dobson G A	Jeffery	Miller	Smith O J
Ames D H	Fearon	Jenks	Moore	Trahan
Betts	Gardner	Judson	Morrissey	Wells
Booth	Harrington	Lee	Norton	Westall
Bourke	Harris	Long	Seaker	Whitcomb
Brady	Hausner	Lord	Smith C C	Wiswall
Campbell	Hutchinson	Martin	Smith M L	Witter
Cowee	Jacobs	Mead		

Mr. Donohue offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on affairs of cities be discharged from the further consideration of Senate bill (No. 21, Rec. No. 30) entitled "An act to amend the Tax Law, in relation to exemption from taxation where dwelling, tenement and apartment improvements are under the control and direction of a municipal board or commission as trustees to provide relief in emergency due to lack of housing in cities of the first class."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 54

NOES 38

Those who voted in the affirmative were:

Amos	Dimin	Griffith	Lentol	Pette
Baum	Doherty	Halpern	Lindsay	Reilly
Bloch	Donohoe	Hamill	McArdle	Reynaud
Bly	Donohue	Hawkins	McCue	Seaker

Brundage	Evans	Healey	McDonald	Seelbach
Burchill	Everett	Henderson	McKee	Simpson
Carroll J T	Flynn	Jesse	McLaughlin J F	Steinberg
Carroll W G	Forbell	Kelly	McLoughlin J J	Taylor
Caulfield	Fox	Kiernan	Mullen	Ullman
Cosgrove	Gempler	Klingmann	Neary	Wallace
Cuvillier	Gillette E V	Leininger	Pellet	

Those who voted in the negative were:

Adler	Dobson G A	Jeffery	Miller	Smith O J
Ames D H	Fearon	Jenks	Moore	Trahan
Betts	Gardner	Judson	Morrissey	Wells
Booth	Harrington	Lee	Norton	Westall
Bourke	Harris	Long	Seaker	Whitcomb
Brady	Hausner	Lord	Smith C C	Wiswall
Campbell	Hutchinson	Martin	Smith M L	Witter
Cowee	Jacobs	Mead		

Mr. Donohue offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on affairs of cities be discharged from the further consideration of Senate bill (No. 23, Rec. No. 31) entitled "An act to amend the General Business Law, in relation to the rate of interest."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 54

NOES 38

Those who voted in the affirmative were:

Amos	Dimin	Griffith	Lentol	Pette
Baum	Doherty	Halpern	Lindsay	Reilly
Bloch	Donohoe	Hamill	McArdle	Reynaud
Bly	Donohue	Hawkins	McCue	Schwab
Brundage	Evans	Healey	McDonald	Seelbach
Burchill	Everett	Henderson	McKee	Simpson
Carroll J T	Flynn	Jesse	McLaughlin J F	Steinberg
Carroll W G	Forbell	Kelly	McLoughlin J J	Taylor
Caulfield	Fox	Kiernan	Mullen	Ullman
Cosgrove	Gempler	Klingmann	Neary	Wallace
Cuvillier	Gillette E V	Leininger	Pellet	

Those who voted in the negative were:

Adler	Dobson G A	Jeffery	Miller	Smith O J
Ames D H	Fearon	Jenks	Moore	Trahan
Betts	Gardner	Judson	Morrissey	Wells
Booth	Harrington	Lee	Norton	Westall
Bourke	Harris	Long	Seaker	Whitcomb
Brady	Hausner	Lord	Smith C C	Wiswall
Campbell	Hutchinson	Martin	Smith M L	Witter
Cowee	Jacobs	Mead		

Mr. Donohue offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on affairs of cities be discharged from the further consideration of Senate bill (No. 28, Rec. No. 32) entitled "An act to amend the Greater New York charter, relating to the administration of the sinking fund."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 54

NOES 38

Those who voted in the affirmative were:

Amos	Dimin	Griffith	Lentol	Pette
Baum	Doherty	Halpern	Lindsay	Reilly
Bloch	Donohoe	Hamill	McArdle	Reynaud
Bly	Donohue	Hawkins	McCue	Schwab
Brundage	Evans	Healey	McDonald	Seelbach
Burchill	Everett	Henderson	McKee	Simpson
Carroll J T	Flynn	Jesse	McLaughlin J T	Steinberg
Carroll W G	Forbell	Kelly	McLoughlin J J	Taylor
Caulfield	Fox	Kiernan	Mullen	Ullman
Cosgrove	Gempler	Klingmann	Neary	Wallace
Cuvillier	Gillette E V	Leininger	Pellet	

Those who voted in the negative were:

Adler	Dobson G A	Jeffery	Miller	Smith O J
Ames D H	Fearon	Jenks	Moore	Trahan
Betts	Gardner	Judson	Morrissey	Wells
Booth	Harrington	Lee	Norton	Westall
Bourke	Harris	Long	Seaker	Whitcomb
Brady	Hausner	Lord	Smith C C	Wiswall
Campbell	Hutchinson	Martin	Smith M L	Witter
Cowee	Jacobs	Mead		

Mr. Donohue offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on affairs of cities be discharged from the further consideration of Senate bill (No. 22, Rec. No. 33) entitled "An act to amend the Greater New York charter, authorizing the mayor to appoint a director of housing."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 54

NOES 38

Those who voted in the affirmative were:

Amos	Dimin	Griffith	Lentol	Pette
Baum	Doherty	Halpern	Lindsay	Reilly
Bloch	Donohoe	Hamill	McArdle	Reynaud
Bly	Donohue	Hawkins	McCue	Schwab
Brundage	Evans	Healey	McDonald	Seelbach
Burchill	Everett	Henderson	McKee	Simpson
Carroll J T	Flynn	Jesse	McLaughlin J F	Steinberg
Carroll W G	Forbell	Kelly	McLoughlin J J	Taylor
Caulfield	Fox	Kiernan	Mullen	Ullman
Cosgrove	Gempler	Klingmann	Norton	Wallace
Cuvillier	Gillette E V	Leininger	Pellet	

Those who voted in the negative were:

Adler	Dobson G A	Jeffery	Miller	Smith O J
Ames D H	Fearon	Jenks	Moore	Trahan
Betts	Gardner	Judson	Morrissey	Wells
Booth	Harrington	Lee	Norton	Westall
Bourke	Harris	Long	Seaker	Whitcomb
Brady	Hausner	Lord	Smith C C	Wiswall
Campbell	Hutchinson	Martin	Smith M L	Witter
Cowee	Jacobs	Mead		

The Senate returned the Senate bill (No. 53, Assembly Reprint No. 69, Rec. No. 14) entitled "An act to amend the Public Service Commissions Law, in relation to the general powers of commissions to suspend rates of telegraph and telephone corporations."

Also, Senate bill (No. 60, Assembly Reprint No. 68, Rec. No. 21) entitled "An act to amend the Code of Civil Procedure, in relation to summary proceedings to recover the possession of real property in cities of a population of one million or more, and in cities in a county adjoining such a city," with a message that they have concurred in the amendments of the Assembly made thereto.

Ordered, That the Clerk return said bills to the Senate.

The Senate returned the concurrent resolution in relation to printing 5,000 additional copies of the housing bills as passed, with a message that they have concurred in the passage of the same without amendment.

The Senate returned the concurrent resolution extending the scope of the housing committee so as to include the cost of building material, and the control of the production and cost, with a message that they have concurred in the amendments of the Assembly made thereto.

Mr. Adler offered for the consideration of the House a resolution, in the words following:

Resolved, That a committee of two be appointed by the Speaker to wait upon the Governor, and inform him that the Assembly has finished its labors in extraordinary session and is ready to adjourn.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker appointed as such committee Messrs. Adler and Donohue.

Mr. Machold offered for the consideration of the House a resolution, in the words following:

Resolved, That a committee of two be appointed by the Speaker to wait upon the Senate, and inform that Honorable Body that the Assembly has finished its labors in extraordinary session and is ready to adjourn.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

The Speaker appointed as such committee Messrs. Machold and Kiernan.

Senators Gibbs and Black, a committee from the Senate, appeared and announced that the Senate had completed its labors in extraordinary session and was ready to adjourn.

Mr. Adler, from the committee appointed to wait upon the Governor, and inform him that the Assembly had completed its labors in extraordinary session and was ready to adjourn, reported that they had discharged that duty.

Mr. Machold, from the committee appointed to wait upon the Senate, and inform that Honorable Body that the Assembly had completed its labors in extraordinary session and was ready to adjourn, reported that they had discharged that duty.

The Clerk read the journal of the day's proceedings, and, on motion of Mr. Adler, the same was approved.

The hour of eighty-three o'clock P. M. having arrived, Mr. Speaker declared the extraordinary session adjourned *sine die*.

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